Pages 10785–10821

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Contents

(*Continued on next page*)

Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

3 CFR

EXECUTIVE ORDERS:
Jan. 26, 1867 (revoked in part by PLO 2541) 10806
Mar. 7, 1900 (revoked in part by PLO 2539) 10806

7 CFR

775 10787
914 10789
933 (4 documents) 10790, 10791
953 10792
958 10792
1034 10793
PROPOSED RULES:
903 10810
921 10810
959 10809

14 CFR

PROPOSED RULES:
602 10809

18 CFR

13 10794

21 CFR

PROPOSED RULES:
120 10810
130 10811

25 CFR

PROPOSED RULES:
194 10808
221 10808

29 CFR

9 10795

32 CFR

504 10797

33 CFR

202 1080
203 1080

39 CFR

111 1080
168 1080

43 CFR

PUBLIC LAND ORDERS:
2539 1080
2540 1080
2541 1080
PROPOSED RULES:
191 1080
203 1080

47 CFR

5 1080

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL PROGRAMS

[1962 Feed Grain Program, Supp. 2]

PART 775—FEED GRAINS

Subpart—1962 Feed Grain Program Regulations

Sec.

AUTHORITY: §§ 775.161 to 775.177 issued under sec. 133, 75 Stat. 303; sec. 16(d), 49 Stat. 1151, as amended; secs. 4 and 5, 62 Stat. 1070 and 1072, as amended; 16 U.S.C. 590(p); 15 U.S.C. 714 (b) and (c).

§ 775.161 Purpose.

Sections 775.161 to 775.177 supplement the 1962 Feed Grain Program Regulations which provide terms and conditions for a Special Agricultural Conservation Program for 1962 under which conservation payments are made to producers who divert acreage from the production of corn and grain sorghums and barley, respectively, to an approved conservation use and comply with the conditions of the program. This supplement provides for payment under the program to be made by the delivery or constructive delivery of negotiable certificates, and for the making of cash advances to producers who wish Commodity Credit Corporation's assistance in the marketing of certificates earned by them. It also contains the methods by which CCC shall redeem certificates in feed grain and market certificates for which its assistance in marketing has been requested.

§ 775.162 Form of payment.

A producer entitled to payment under the 1962 Feed Grain Program (hereinafter called "payee") shall receive payment in the form of a negotiable Feed Grain Certificate, Form CSS–479 (hereinafter called "certificate"), issued by the county office, except that if a payee requests CCC's assistance in the marketing of his certificate at the time of applying for payment, the county office shall make a cash advance to such payee as provided herein and credit a certificate pool with the value of the certificate earned by him. Payments shall be in the amount for which the payee has been approved under the 1962 Feed Grain Program.

§ 775.163 Description of certificates.

(a) *Terms.* Any certificates issued shall be subject to the provisions embodied in it and the applicable provisions of this subpart.

(b) *Face value.* The face value of the certificate(s) is the amount(s) for which the payee is approved for payment. A certificate will be accepted at face value if within 30 days after the date of issuance shown thereon, it is tendered to CCC for redemption in grain or for marketing. If after such 30 day period, the certificate is tendered to CCC for redemption in grain or for marketing, the value at which the certificate will be accepted will be the face value reduced by one twenty-fifth of one percent for each day beginning on the 31st day after issuance to but not including the date of redemption, or if it is tendered for marketing, the date it is tendered to CCC. Such reduction in value shall cover storage and carrying charges.

(c) *Date of issuance.* The date of issuance shown on the certificate shall be the date the certificate is issued. Substitute certificates issued to replace original certificates never received by the payee shall bear a current date of issuance. Substitute certificates issued to replace other original certificates shall bear the same date of issuance as the certificate being replaced.

(d) *Signature and countersignature.* To be valid, the certificates must be signed and countersigned by an authorized representative of the county office.

§ 775.164 Setoffs and assignments.

(a) *Producer indebtedness.* Setoffs against amounts due the producer under this program shall be made as provided in the Secretary's Setoff Regulations, Part 13 of this title (23 F.R. 3757) and any amendments thereto. Constructive delivery of certificates earned by the payee and representing the amount setoff shall be made by crediting the certificate pool with their value. CCC shall make a cash advance payment of the indebtedness set off against the payment earned by the payee. Such cash advance shall be made by issuance of CCC sight draft(s) payable to the creditor agency(s) to which the producer is indebted.

(b) *Right to contest.* A set off shall not deprive the producer of any right he might otherwise have to contest the justness of the indebtedness against which the set off is made either by administrative appeal or by legal action.

(c) *Assignments.* Payments earned under this program cannot be assigned, except that certificates received by a payee may be negotiated to a subsequent holder.

§ 775.165 Cash advance to payee.

A cash advance shall be made by the county office to any payee who requests CCC's assistance in marketing of the certificate earned by him under the program. Only the payee will have this option. If such request is made at the time the payee applies for payment, CCC shall make constructive delivery of the certificate to the payee by crediting a certificate pool with the value of the certificate earned by him. A payee who does not request CCC's assistance in marketing his certificate at such time may subsequently request CCC's assistance in marketing his certificate by delivering it to the county office. Such certificate shall also be credited to the certificate pool. A cash advance to a payee shall be made in the form of a CCC sight draft for the face value of the certificate earned by him less any applicable reduction in value for storage and carrying charges. A payee cannot utilize such sight drafts or the proceeds thereof to acquire feed grain from CCC under this program except as provided in § 775.166.

§ 775.166 Marketing of certificates.

All certificates for which payees have requested CCC's assistance in marketing shall be pooled by CCC and shall lose their identity as individual certificates. The amount of the certificate pool shall be the total of the value of certificates of which CCC has made constructive delivery to the payees and the value of the certificates presented to the county office by the payees for marketing by CCC. Such amount shall be equal to the amount of cash advances to the payees. CCC shall market the rights represented by pooled certificates at such times and in such manner as it determines will best effectuate the purposes of the program. Such rights shall be marketed for immediate use by the purchaser to obtain delivery of grain from CCC. CCC reserves the right to determine the time and place of delivery and the kind, class, grade, quality, and quantity of grain delivered in redemption of such rights. Such grain delivered by CCC shall by valued at the market price at point of delivery as determined by CCC. The term "Certificate Pool Sale—1962 Feed Grain Program" used in contracts of CCC shall be deemed to refer to a transaction involving the sale of rights represented by pooled certificates and the immediate use of such rights to acquire grain from CCC.

§ 775.167 Redemption in grain by payees.

Certificates may be redeemed in corn, grain sorghums, oats, or barley at the

option of CCC (herein called "grain"). CCC reserves the right to determine the kind, class, grade, or quality of grain for which certificates may be redeemed or to restrict the availability of any grain in any area at any time whenever such action is deemed necessary, either to effectuate the purposes of the program or in the interest of CCC inventory management. Certificates held by a payee will be redeemed, at the option of CCC, in grain in warehouses, in CCC bin sites or at other points designated by CCC in the county in which the certificate was issued or in the nearest county in which grain is made available for redemption. Certificates may also be redeemed by a payee in grain delivered by him under such price support loans as may be designated by CCC. Grain delivered by CCC in redemption of certificates shall be valued at market price at point of delivery as determined by CCC. Such grain shall not be eligible for tender to CCC under the price support program.

§ 775.168 Where to apply.

Payees who wish to obtain redemption of certificates in grain to be delivered by them under a price support loan must apply to the county office which approved the loan. Payees who wish to obtain redemption of certificates in other CCC-owned grain must apply to the county office which issued the certificates. If CCC-owned grain is not available in such county, the county office will direct the payee to the nearest county office having grain available for redemption.

§ 775.169 Grain under farm storage price support loan.

(a) Subject to the provisions of this subpart, in case of grain which a payee has under a farm storage price support loan, including any reseal or extended reseal loan, upon the request of the payee, CCC will (1) accelerate the maturity date of the loan, (2) permit delivery to CCC on the farm where stored of the payee's grain mortgaged to CCC in settlement of such loan, and (3) permit the payee to obtain redemption of certificates issued to him under the program by delivery to him of such grain on the farm where stored. An inspection of the grain will be made by a representative of the county committee prior to acceleration of the maturity date of the loan. If it is determined that all the grain under loan is still in storage, notwithstanding the provisions of the applicable price support bulletin, settlement of the loan will be made on the basis of the quantity and quality set forth in the loan documents. If on inspection of the grain a shortage is discovered, the commodity will be ordered delivered by CCC to a point where weights can be obtained and settlement with the producer shall be made on the basis of such weights in the manner provided in the loan documents and price support bulletin. Certificates cannot be used to satisfy amounts due under loan.

(b) In computing storage payments due under a reseal loan, the prorata payments to which the producer is entitled shall be based on the storage period ending on the date the commodity is delivered to CCC in satisfaction of the loan.

(c) Subject to the provisions of this subpart, delivery of a portion of the grain under loan will be permitted if a payee wishes to deliver to CCC a portion of the grain under loan and acquire such grain with certificates. In such event, CCC will credit the note with the settlement value of the quantity and quality delivered in accordance with the settlement provisions of the loan documents. The quantity so obtained must be removed from the storage structure and segregated from the grain which remains as collateral for the outstanding balance of the loan. The provisions as to inspection and adjustment for storage charges in paragraphs (a) and (b) of this section shall apply to any grain so delivered. If on inspection a shortage is discovered, the maturity date of the entire loan shall be accelerated.

§ 775.170 Grain under warehouse storage price support loan.

(a) Subject to the provisions of this subpart, in the case of grain which a payee has under a warehouse storage loan, at the request of the payee, CCC will (1) accelerate the maturity date of the loan, (2) acquire title to such grain in satisfaction of the loan, and (3) permit the payee to obtain redemption of certificates issued to him by delivery to him of the warehouse receipts representing such grain. Settlement of such warehouse storage loan will be made as provided in the applicable loan documents and price support bulletin.

(b) Subject to the provisions of this subpart, CCC will acquire title to a portion of the grain a payee has under loan and will deliver the receipt representing such grain in redemption of certificates if a payee wishes to redeem certificates in such grain. CCC will only honor such requests by payees as to the entire quantity of grain represented by a warehouse receipt. If the value of certificates held by the payee is insufficient to acquire all the grain represented by a warehouse receipt, CCC will honor the payee's request as to the portion of the grain represented by a warehouse receipt for which he has certificates, provided that at the time of redemption he repays in cash the balance of the amount due on the loan in connection with such receipt as computed under the loan documents and price support bulletin. CCC shall credit the loan with the settlement value of the quantity and quality of the grain acquired by it and with any amount paid on the loan, in accordance with the settlement provisions of the loan documents and price support bulletins.

(c) The provisions of this section apply only to warehouse storage loans on grain with no transit privileges. Title and risk of loss shall pass to the payee on delivery to him of the warehouse receipts. Any difference in grade, quality, and quantity of grain delivered by the warehouseman to the payee from that described on the warehouse receipts shall be settled between the payee and the warehouseman.

(d) In the case of grain delivered to a payee which had been under a warehouse storage loan, the payee shall be responsible to the warehouseman for payment of all warehouse charges on the grain. CCC will refund to the payee any storage charges which had been deducted by it from the loan proceeds on the quantity of grain delivered in redemption of certificates and will pay to the payee the receiving and load out charge applicable to such grain in an amount not to exceed the rate specified in the Uniform Grain Storage Agreement.

§ 775.171 Deliveries of grain in warehouses to payee.

(a) *Use of delivery orders.* Warehouse stored grain shall be delivered to payees "in store." If delivery is to be made of warehouse-stored grain other than deliveries under § 755.170, the county office shall issue a Delivery Order to the payee setting forth the net quantity, class, grade, and quality of the commodity to be delivered to the payee and the warehouse in which the grain is to be delivered. The payee may obtain the grain by presenting the Delivery Order to the warehouseman. Such Delivery Orders shall not be transferable and may be presented to the warehouseman only by the payee to whom issued.

(b) *Delivery provisions.* Title and risk of loss to the grain specified in the Delivery Order shall pass to the payee on the date of issuance of the Delivery Order by the county office. CCC shall be responsible for all warehouse charges accruing through the date of issuance of the Delivery Order. CCC shall also pay the warehouseman the load out charge applicable to the grain in an amount not to exceed the amount specified in Uniform Grain Storage Agreement. The producer shall be responsible for all other warehouse charges accruing after the date of issuance of the Delivery Order.

(c) *Grade, quality, and quantity differences.* Any difference in the value of the class grade, quality, and net quantity of the grain delivered by the warehouseman to the payee from that shown in the Delivery Order shall be settled between the payee and the warehouseman.

(d) *Transit billing.* Grain transferred to payees will be grain without transit privileges.

§ 775.172 Deliveries to payee of grain from CCC bin sites.

(a) Redemption of certificates in bin site stored grain shall be on the basis of delivery f.o.b. the payee's conveyance at the bin site.

(b) Title and risk of loss on such redemptions shall pass to the payee when the grain is placed in his conveyance at the bin site, unless the payee removes the grain from the bins, in which event risk of loss shall pass to the owner at the time he takes possession of the grain.

(c) On such redemptions, CCC shall be responsible for bin emptying charges and the cost of weighing. Delivery weights on such redemptions shall be obtained at a usual weighpoint for the bin site determined by the county office. Trucking costs to such weighpoint shall be for the account of the payee.

(d) Applicable bin emptying, and weighing services on such redemptions shall be performed under the usu

county office agreements, at the prevailing rates in the county, or by ASCS personnel, at the option of CCC.

(e) Bin site grain shall be delivered "as is" unless the payee requests that the delivery be made on a grade and quality basis. The value of grain on deliveries "as is" shall be based on the market price for No. 2 grain, as determined by CCC, with no adjustment for the grade and quality actually delivered. CCC does not warrant the grade and quality basis, the value shall be subject to adjustment for the grade and quality delivered. The quantity delivered on all bin site redemptions shall be adjusted for dockage content in the case of grains to which dockage applies under the Official Grain Standards of the United States.

§ 775.173 Delivery to payees in nonstorage areas.

(a) CCC may move grain into areas where no CCC-owned grain in warehouses or bin sites is available. Such grain will be consigned to the county committee and shall be sold "as is" on a delivery basis determined by CCC. On such sales, the sales price shall be computed on the basis of a determination of grade and quality made prior to delivery, and such price shall not be subject to adjustment for the grade and quality of the grain actually delivered.

(b) Title and risk of loss on such sales shall pass to the payee upon delivery of the grain. The payee shall be responsible for risk of loss during such time as he may have possession of the grain prior to delivery.

(c) Grain shall be weighed at destination, if scales approved by CCC are available, unless the payee is willing to settle on CCC determined weights. If such approved scales are not available, settlement weights shall be as determined by CCC.

(d) CCC shall bear any charges it determines necessary for delivery of grain.

§ 775.174 Redemptions by subsequent holders.

Subsequent holders who wish to obtain redemption of a certificate shall apply to the ASCS commodity office serving the area in which the desired grain is located. The ASCS commodity office shall determine the time and place of delivery and the kind, class, grade, and quality of grain delivered in redemption of a certificate held by a subsequent holder. To the maximum extent practicable, the ASCS commodity office will make available to a warehouseman grain stored in his facility in redemption of certificates obtained by the warehouseman through sales of his own grain to payees. Any applicable transit billing shall be transferred with grain delivered to a subsequent holder and its value as determined by CCC, shall be included in computing the value of the grain.

§ 775.175 Issuance of balance certificates.

If the full amount of the face value of a certificate is not redeemed in grain by the payee or a subsequent holder, a balance certificate shall be issued to the certificate holder for the unused amount less any deductions for the charges provided in § 775.163. If the amount is $3.00 or less no balance certificate will be issued unless requested. The date of the balance certificate shall be a date determined by adding to the date of issuance of the original certificate the number of days for which discounts were charged. Balance certificates may be tendered to CCC for redemption in grains in the same manner as the original certificates. Balance certificates issued to the payee shown on the original certificate may be surrendered by the payee to CCC for marketing.

§ 775.176 Inadvertent over-deliveries.

In the event of the inadvertent over-delivery by CCC under the program of a quantity of grain which is not in excess of a carload or a truckload lot, as applicable, payment may be made in cash for such excess quantity at the applicable market price, as determined by CCC.

§ 775.177 ASCS commodity offices.

The address and telephone numbers of the ASCS Commodity Offices responsible for the redemption of certificates owned by subsequent holders are as follows:

(a) Dallas ASCS Commodity Office, 500 South Ervay Street, Dallas 1, Tex., Telephone: Riverside 8–5611.

(b) Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., Telephone: University 9–0600.

(c) Kansas City ASCS Commodity Office, 560 Westport Road, Kansas City 41, Mo., Telephone: Valentine 1–7104.

(d) Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis 10, Minn., Telephone: Walnut 7–7311.

(e) Portland ASCS Commodity Office, 1218 Southwest Washington Street, Portland 5, Oreg. Telephone: Capitol 6–3361.

Issued at Washington, D.C., this 13th day of November 1961.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 61–11003; Filed, Nov. 17, 1961; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 215]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.515 Navel Orange Regulation 215.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 16, 1961.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 19, 1961, and ending at 12:01 a.m., P.s.t., November 26, 1961, are hereby fixed as follows:

(i) District 1: 300,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 75,000 cartons;

(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same

meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 17, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11053; Filed, Nov. 17, 1961; 11:01 a.m.]

[Orange Reg. 393]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1075 Orange Regulation 393.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, except Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 14, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., November 20, 1961, and ending at 12:01 a.m., e.s.t., December 4, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, except Temple oranges, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{1}/_{16}$ inches in diameter or smaller.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10994; Filed, Nov. 17, 1961; 8:48 a.m.]

[Grapefruit Reg. 346]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1076 Grapefruit Regulation 346.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 14, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title; 26 F.R. 163).

(2) During the period beginning at 12:01 a.m. e.s.t., November 20, 1961, and ending at 12:01 a.m., e.s.t., December 4, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which do not grade at least U.S. No. 1: *Provided,* That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{15}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10993; Filed, Nov. 17, 1961; 8:48 a.m.]

[Tangerine Reg. 226]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1077 Tangerine Regulation 226.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 14, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1834 of this title; 25 F.R. 8216).

(2) During the period beginning at 12:01 a.m., e.s.t., November 20, 1961, and ending at 12:01 a.m., e.s.t., November 27, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2}$ x $9\frac{1}{2}$ x $19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10996; Filed, Nov. 17, 1961; 8:49 a.m.]

[Tangelo Reg. 31]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.1078 Tangelo Regulation 31.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 14, 1961, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order

shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title; 25 F.R. 8211).

(2) During the period beginning at 12:01 a.m., e.s.t., November 20, 1961, and ending at 12:01 a.m., e.s.t., December 4, 1961, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Russet; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2$\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10995; Filed, Nov. 17, 1961; 8:48 a.m.]

[Lemon Reg. 926]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.1033 Lemon Regulation 926.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 14, 1961.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 19, 1961, and ending at 12:01 a.m., P.s.t., November 26, 1961, are hereby fixed as follows:

(i) District 1: 29,700 cartons;

(ii) District 2: 120,900 cartons;

(iii) District 3: 74,400 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 16, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–11034; Filed, Nov. 17, 1961; 8:50 a.m.]

PART 958—POTATOES GROWN IN COLORADO

Subpart—Rules and Regulations

SAFEGUARD AND EXEMPTIONS

Notice of rule making with respect to proposed rules and regulations to be made effective under Marketing Agreement No. 97 and Order No. 58 as amended (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, was published in the FEDERAL REGISTER of October 25, 1961 (26 F.R. 9999). This program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested parties an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice, the following administrative rules and regulations are hereby approved.

Sections 958.130 through 958.132 revise and supersede §§ 958.101 through 958.103 (7 §§ 958.101–958.103; 19 F.R. 9374; December 31, 1954) Exemptions.

SAFEGUARDS

EXEMPTIONS

AUTHORITY: §§ 958.120 to 958.125 and §§ 958.130 to 958.132, inclusive, issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

SAFEGUARDS

§ 958.120 General.

Whenever shipments of potatoes for special purposes under § 958.23 are relieved in whole or in part from grade and size regulations issued under § 958.22 the committee shall require information and evidence as to the manner, methods, and timing of such shipments as safeguards against the entry of any such potatoes into trade channels other than those for which intended. Such information and evidence shall include the requirements set forth below with respect to Certificates of Privilege.

§ 958.121 Qualification.

Before handling potatoes for special purposes which do not meet regulations issued under § 958.22 a handler must qualify with the committee to handle shipments for special purposes. To qualify he must (a) apply for and receive a Certificate of Privilege indicating his intent to so handle potatoes; (b) agree to comply with reporting and other requirements set forth in §§ 958.121 to 958.125, inclusive, with respect to such shipments; and (c) receive approval of the committee to so handle potatoes. Such approval will be based upon evidence furnished in his application for a Certificate of Privilege, and other information available to the committee.

§ 958.122 Application.

(a) Application for Certificate of Privilege shall be made in person, by telephone, or on forms furnished by the committee. Each application may contain, but need not be limited to, the name and address of the handler; the quantity by grade, size, quality and variety of the potatoes to be shipped; the mode of transportation; the consignee; the destination; the purpose for which the potatoes are to be used; a certification to the United States Department of Agriculture and to the committee as to

the truthfulness of the information shown thereon; and any other appropriate information or documents deemed necessary by the committee for the purposes stated in § 958.120.

§ 958.123 Approval.

The committee or its duly authorized agents shall give prompt consideration to each application for a Certificate of Privilege. Approval of an application based upon a determination as to whether the information contained therein and other information available to the committee supports approval, shall be evidenced by the issuance of a Certificate of Privilege to the applicant. Each certificate shall cover a specified period, and specified qualities and quantities of potatoes to be sold or transported to the designated consignee for the purposes declared.

§ 958.124 Reports.

Each handler of potatoes shipping under Certificates of Privilege shall supply the committee with reports as requested by the committee or its duly authorized agents showing the name and address of the shipper; the car or truck identification; the loading point; destination; consignee; the inspection certificate number when inspection is required; and any other information deemed necessary by the committee.

§ 958.125 Disqualification.

The committee from time to time may conduct surveys of handling of potatoes for special purposes requiring Certificates of Privilege to determine whether handlers are complying with the requirements and regulations applicable to such certificates. Whenever the committee finds that a handler or consignee is failing to comply with requirements and regulations applicable to handling of potatoes in special outlets, and requiring such certificates, a Certificate or Certificates of Privilege issued such handler may be rescinded and further certificates denied. Such disqualification shall apply to, and not exceed, a reasonable period of time as determined by the committee but in no event shall it extend beyond the end of the succeeding fiscal period. Any handler who has a certificate rescinded or denied may appeal to the committee in writing for reconsideration of his disqualification.

EXEMPTIONS

§ 958.130 Application for exemption certificates.

Any producer applying for exemption from any grade and size regulation issued under § 958.22 shall make application to the respective area committee for the area in which the applicant's potatoes were grown or are stored, on forms to be furnished by the area committee. The application shall include:

(a) The name and address of the applicant;

(b) The location, or locations, of the potatoes with respect to which exemption is requested;

(c) The total estimated quantity of potatoes (excluding culls) produced by the applicant during the current season, stated in hundredweights, by varieties, grades, and sizes;

(d) The estimated percentage of the applicant's potato crop (excluding culls) which cannot be shipped because of grade and size regulations then in effect and the acts beyond his control or reasonable expectation adversely affecting his potatoes;

(e) The quantity of potatoes of each variety (excluding culls) which has already been sold or otherwise shipped during the current season;

(f) The signature of the applicant and certification that the statements given in the application are true and correct; and

(g) Such additional information as the area committee may find necessary in making a determination regarding the granting of an exemption certificate.

§ 958.131 Federal-State inspection reports.

Each application for exemption shall be accompanied by a written report of a Federal-State Inspector, which shall contain the following:

(a) A statement by the inspector that he personally inspected the potatoes with respect to which exemption is requested, and that he took a representative sample of such potatoes;

(b) A statement of the percentage of the potatoes (excluding culls) which fail to meet the requirements of the grade and size regulations then in effect;

(c) A statement of the defects or damage causing the potatoes to fail to meet grade and size requirements then in effect.

In the event that more than one variety of potatoes is being regulated the above percentage shall be determined separately for each variety of the applicant's potatoes. The cost of Federal-State inspection and report shall be borne by the applicant for exemption.

§ 958.132 Issuance of exemption certificates.

(a) The respective area committee receiving an application for exemption shall give prompt consideration thereto and determine on the basis of the statements and facts therein contained and the factors set forth in § 958.30 whether the application may be approved. The determination, if favorable, shall be evidenced by the issuance of a certificate of exemption pursuant to §§ 958.28 through 958.32. If the applicant's request for exemption is denied, he shall be so notified in writing.

(b) Each certificate of exemption issued as provided in this subpart, shall contain the name and address of the applicant, the location of his farm or ranch, the location, or locations, of all potatoes remaining to be shipped, the total quantity of potatoes which may be shipped under the certificate of exemption, and such other information as the area committee may deem desirable.

(c) The committee may furnish each applicant receiving a certificate of exemption with appropriate subcertificates of exemption to identify each lot of exempted potatoes and a subcertificate shall be transferable with the lot of potatoes to which it applies. Each applicant receiving a certificate of exemption shall report each shipment of potatoes made under such certificate to the respective area committee issuing the certificate. The report shall state the name and address of the person to whom the potatoes were sold, the quantity sold, the date of transfer, and such other information as the committee may request.

It is hereby found that good cause exists for not postponing the effective date of these rules and regulations beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) it is necessary to place these rules and regulations in effect at the earliest possible date in order to facilitate operations under the marketing agreement and order, and (2) notice hereof has been given by publication in the FEDERAL REGISTER of October 25, 1961 (26 F.R. 9999).

Effective date. Dated November 15, 1961, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61-10998; Filed, Nov. 17, 1961; 8:49 a.m.]

PART 1034—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Notice of rule making with respect to proposed Limitation of Shipments regulation to be made effective under Marketing Agreement No. 144 and Order No. 134 (7 CFR Part 1034), regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas, was published in the FEDERAL REGISTER, September 26, 1961 (26 F.R. 9050). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This notice afforded interested parties an opportunity to file data, views, or arguments pertaining thereto within ten days after publication.

The Valley Packing Company, Salinas, California, filed views on the proposed rule. Although they support the pack and container proposals they object to the 80 percent U.S. No. 1 grade limitation on Texas shipments because they claim it would cause undue hardship on South Texas lettuce producers. This view, which is not shared by members of the South Texas Lettuce Committee, lacks adequate, substantial support and foundation. On the basis of information submitted by the committee, and other available information, it is found that the proposals as published will tend to effectuate the purposes of the act.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby found that good cause exists for not postponing the effective

date of section 1034.304 until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (i) more orderly marketing in the public interest than would otherwise prevail will be promoted by regulating the handling of carrots in the manner set forth below on and after the effective date of this section, (ii) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iii) reasonable time is permitted under the circumstances for such preparation, and (iv) notice has been given of the limitation of shipments set forth in this section through publicity in the production area and by publication in the FEDERAL REGISTER of September 26, 1961 (26 F.R. 9050).

§ 1034.304 Limitation of shipments.

During the period December 4, 1961, through March 31, 1962, no person shall package lettuce on any Sunday or handle any lot of lettuce grown in the production area unless the lettuce meets the grade requirements of paragraph (a), of this section, one of the sizing and pack requirements of paragraph (b) of this section, and the container requirements of paragraph (c) of this section, or unless the lettuce is handled in accordance with the provisions of paragraphs (d), (e), and (f) of this section.

(a) *Grade.* Eighty percent U.S. No. 1, or better grade, with not more than 10 percent serious damage including not more than five percent decay in any lot. Individual containers shall have not less than 60 percent U.S. No. 1 quality, with not more than 23 percent serious damage, including not more than three heads affected by decay.

(b) *Sizing and pack.* Lettuce shall be handled only if it meets one of the following sizing and pack requirements:

(1) 18 heads per container;

(2) 24 heads per container; or

(3) 30 heads per container.

(c) *Container.* Lettuce shall be handled only if packed in one of the following containers:

(1) A carton with inside dimensions of 10 inches x 14½ inches x 21$^{5}/_{16}$ inches (designated as carrier container No. 7303).

(2) A carton with inside dimensions of 9¾ inches × 14 inches × 21 inches (designated as carrier container No. 7306).

(d) *Minimum quantities.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, size and pack requirements, but it must meet container requirements. This exception shall not be applied to any portion of a shipment of over two cartons of lettuce.

(e) *Special purpose shipments.* Paragraphs (a), (b) and (c) of this section, and the inspection and assessment requirements of this part, are not applicable to lettuce handled for any of the following special purposes:

(1) Relief or charity;

(2) Experimental purposes;

(3) Export to Mexico.

(f) *Safeguards.* (1) Each handler of lettuce which does not meet the requirements of paragraphs (a), (b), and (c) of this section, and which is handled pursuant to paragrah (e) of this section for relief or charity or experimental purposes shall, prior to handling, apply for and obtain from the committee a Certificate of Privilege requiring the handler to furnish reports and documents disclosing to the committee's satisfaction that the lettuce was handled as set forth in the certificate.

(2) The handling of lettuce which does not meet the requirements of paragraphs (a), (b), and (c) of this section for export to Mexico pursuant to paragraph (e) of this section is prohibited unless it is loaded in a vehicle bearing Mexican registration (license) and each person who sells or otherwise handles it maintains the following records on each transaction:

(i) Name and address of the purchaser;

(ii) Quantity involved in each sale;

(iii) Date of sale; and

(iv) Identification by make, model and license number of the purchaser's or trucker's vehicle.

(g) *Inspection.* (1) No handler shall handle any lettuce for which an inspection certificate is required unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler shall transport or cause the transportation of any shipment of lettuce by motor vehicle for which an inspection certificate is required unless it is accompanied by a copy of the inspection certificate applicable thereto, or by a copy of an inspection clearance on forms furnished by the committee, identifying truck lots to which valid inspection certificates are applicable. A copy of the inspection certificate, or committee clearance form, applicable to each truck lot shall be available to and surrendered upon request to authorities designated by the committee.

(3) For administration of this part inspection certificates, or forms required by the committee as evidence of inspection, are valid for only 72 hours following completion of inspection as shown on the certificate or committee form.

(h) *Definitions.* The terms "U.S. No. 1" and "serious damage" have the same meaning as set forth in the U.S. Standards for Lettuce (§§ 51.2510–51.2531 of this title). All other terms used in this section have the same meaning as when used in this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated November 15, 1961, to become effective December 4, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10997; Filed, Nov. 17, 1961; 8:49 a.m.]

Title 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 237; Docket No. R–202]

PART 13—SETTLEMENTS INVOLVING HEADWATER BENEFITS

NOVEMBER 14, 1961.

The Commission has under consideration in this proceeding the promulgation of regulations enabling non-Federal power developers to enter into contracts in which each would agree to annual payments for headwater benefits subject to Commission approval in lieu of a formal determination under section 10(f) of the Federal Power Act. The regulations prescribed hereinafter will constitute a new Part 13 to Subchapter B—Regulations Under the Federal Power Act, of Chapter I of Title 18 of the Code of Federal Regulations.

Presently, headwater benefit payments to licensees or permittees are determined by the Commission under section 10(f) of the Federal Power Act; and in such proceedings that subsection requires the affected parties to reimburse the United States for the cost to the Commission of making headwater benefit determinations. In order to spare the parties the expense involved in making such section 10(f) determinations in appropriate cases, it has been proposed to allow the parties to agree among themselves subject to subsequent Commission approval as to the amount of the annual headwater benefit payments.

Subsequent to the general public notice of rule making in this proceeding on July 15, 1961 (26 F.R. 6368), comments and suggestions were filed by the following classes of respondents:

Electric utilities	5
"Municipalities"	4
Federal departments	1
Power associations	1
Law firms	1
Total	12

Some respondents urged that notice and opportunity for comment on proposed settlement agreements be accorded to interested parties and federal agencies. It is the intention of the Commission to give such notice. Some respondents suggested that the proposed rule be modified to expressly provide for payment in kind or in cash. However, we do not believe this is necessary since the rule as noticed is broad enough to permit such settlements in appropriate cases. On the whole, the respondents with one exception favored the adoption of the rule as noticed or with one or more modifications.

The Commission finds:

(1) In view of the foregoing, and upon consideration of all relevant matters presented, it is appropriate for the purposes of the Federal Power Act that the proposed regulated regulations as set forth in the notice of proposed rule mak-

ing (26 F.R. 6368) be adopted and promulgated as a new Part 13 to Subchapter B—Regulations Under the Federal Power Act, of Chapter I of Title 18 of the Code of Federal Regulations, effective December 31, 1961, all in the manner as hereinafter provided.

(2) Good cause exists for the adoption of the regulations as set forth herein to be effective as of December 31, 1961.

The Commission, acting pursuant to the Federal Power Act, as amended, particularly section 309 thereof (16 U.S.C. 825h), and the Administrative Procedure Act, particularly section 5(b) (5 U.S.C. 1004(b)), orders:

(A) Effective December 31, 1961, Subchapter B—Regulations Under the Federal Power Act, of Chapter I, of Title 18 of the Code of Federal Regulations is amended by adding a new Part 13, as follows:

§ 13.1 Settlements involving headwater benefits.

Henceforth, licensees and permittees with headwater improvements providing power benefits to downstream non-Federal power developers may file contracts entered into with such parties so benefited agreeing to the amount of annual payments for headwater benefits. The aforesaid contracts will be accepted for filing subject to subsequent review and approval by the Commission. When possible, such contracts should be filed prior to the incurring of expense by the Commission for headwater benefit investigation with respect to a particular project pursuant to section 10(f) of the Federal Power Act.

(49 Stat. 858, 60 Stat. 239; 16 U.S.C. 825h, 5 U.S.C. 1004(b))

(B) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 61-10972; Filed, Nov. 17, 1961; 8:46 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 9—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Miscellaneous Amendments

A notice was published in the FEDERAL REGISTER on June 3, 1961 (26 F.R. 4947), setting forth the terms of proposed amendments to the Safety and Health Regulations for Longshoring published in 29 CFR Part 9. Interested persons were given an opportunity to submit orally and in writing data, views, and arguments relating to the proposed amendments.

Full consideration has been given to all the relevant matter submitted and other pertinent information consisting principally of the comments of field personnel, and the proposed amendments are hereby adopted subject to a number of changes. Most of the changes are minor and editorial in nature. However, some substantive changes are made in subparagraphs (1) and (2) of § 9.73(c), § 9.73(d)(2), paragraphs (a), (b), and (c) of § 9.85, and § 9.93(a)(2). These changes are self-explanatory.

Therefore, pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act as amended by section 1 of the Act of August 23, 1958 (72 Stat. 835, 33 U.S.C. 941), 29 CFR Part 9 is hereby amended as hereinafter indicated. These amendments shall become effective 30 days after their publication in the FEDERAL REGISTER, except paragraphs (b), (c), and (d) of § 9.73, which shall become effective 180 days after such publication.

1. New paragraphs (m) and (n) are added to § 9.3 which read as follows:

§ 9.3 Definitions.

* * * * *

(m) For the purpose of § 9.12 the term "ship's cargo handling gear" includes that gear which is a permanent part of the vessel's equipment and which is used for the handling of cargo other than bulk liquids, but does not include gear which is used only for handling or holding hoses, handling ship's stores or handling the gangway, or boom conveyor belt systems for the self-unloading of bulk cargo vessels.

(n) For purposes of the regulations in this part the terms "beam" or "strongback" mean a portable transverse or longitudinal beam which is placed across a hatchway and acts as a bearer to support the hatch covers.

2. Section 9.41 is amended by amending paragraphs (a) and subparagraphs (1) and (2) of paragraph (b), by adding a subparagraph (3) to paragraph (b), and by amending paragraph (c). As amended, § 9.41 reads as follows:

§ 9.41 Coaming clearances.

(a) *Weather deck.* If a deck load of lumber or other smooth sided deck cargo over 5 feet high is stowed within 3 feet of the hatch coaming and employees handling beams and hatch covers are not protected by at least a 24 inch height of the coaming, a taut handline shall be provided along the side of the deckload for their protection. The requirements of § 9.35(a) are not intended to apply in this situation.

(b) *Intermediate deck.* (1) Before intermediate deck hatch covers and beams are removed or replaced by employees, there shall be a 3-foot working space between the stowed cargo and the coaming at both sides and at one end of the hatches with athwartship beams, and at both ends of those hatches with fore and aft beams, except that a reasonable tolerance will be permitted in circumstances where adherence to a 3-foot working space would create undue hardship.

(2) The 3-foot clearance required by subparagraph (1) of this paragraph is not required on the covered portion of a partially opened hatch, nor is it required when lower decks have been filled to beam height with cargo of such a nature as to provide a safe surface upon which employees may work.

(3) For purposes of subparagraph (1) of this paragraph, banana or other fitted gratings which are in good condition shall be considered a part of the decking when properly placed within the 3-foot area.

(c) Trunk hatches and other permanent or semi-permanent structures and spare parts. When bulkheads, lockers, reefer compartments or large spare parts are within 3 feet of the coaming, grab rails or taut handlines shall be provided for the protection of employees handling beams and hatch covers.

3. Paragraph (b) of § 9.42 is amended to read as follows:

§ 9.42 Beam and pontoon bridles.

* * * * *

(b) Bridles for lifting hatch beams shall be equipped with toggles, shackles, or hooks or other devices of such design that they cannot become accidently dislodged from the beams with which they are used. Hooks other than those herein described may be used only when they are hooked into the standing part of the bridle. Toggles, when used, shall be at least one inch longer than twice the longest diameter of the holes into which they are placed.

4. Paragraphs (a) and (b) of § 9.43 are amended to read as follows:

§ 9.43 Handling beams and covers.

* * * * *

(a)(1) When hatch covers or pontoons are stowed on the weather deck abreast of hatches they shall be arranged in stable piles not closer than 3 feet from the hatch coaming and, when on the working side of the deck, not higher than the coaming, unless they are spread one high between coaming and rail with no space between them and with not less than a 24 inch height of hatch coaming maintained.

(2) When, in the case of pontoons, the requirements of subparagraph (1) of this paragraph cannot be met due to the narrowness of the available deck area, pontoons may be stowed more than one high against the coaming, provided that not less than a 24-inch height of hatch coaming is maintained on the working side of the vessel. If pontoons must be stowed closer than 3 feet to and higher than the coaming on the idle side, they shall be secured against movement.

(b) Beams shall be laid on their sides, or stood on edge close together and lashed: *Provided, however,* That this paragraph shall not apply in cases where beams are of such design that (1) the width of the flange is 50 percent or more of the height of the web and (2) that when a beam is stood upright the flange rests flat on the deck.

5. Paragraph (b) of § 9.51 is amended to read as follows:

§ 9.51 General requirements.

* * * * *

(b) Cargo handling gear or tent gantlines, any part of which is visibly unsafe, shall not be used until such part is made safe.

6. Section 9.52 is amended by amending subparagraph (2) of paragraph (b), subparagraph (3) of paragraph (c), and subparagraph (1) of paragraph (d) to read as follows:

§ 9.52 Specific requirements.

* * * * *

(b) *Stoppers.* * * *

(2) When used, chain stoppers shall be shackled or otherwise secured in such a manner that their links are not bent by being passed around fittings. The point of attachment shall be of sufficient strength and so located that the stoppers are reasonably in line with the normal topping lift lead at the time the stopper is applied.

(c) *Falls.* * * *

(3) Eyes in the ends of wire rope cargo falls shall not be formed by knots and, in single part falls, shall not be formed by wire rope clips.

* * * * *

(d) *Heel blocks.* (1) If, because of the position of the winch controls, the winch driver is in the bight formed by the heel block, a preventer of at least ¾-inch diameter wire rope, rove reasonably snug and secured by such means as will develop at least eighty (80) percent of the strength of the rope, shall be rigged, or equally effective means shall be taken to hold the block and fall in the event that the heel block attachments should fail.

7. Section 9.53 is amended by amending the heading of the section and subparagraph (3) of paragraph (a) and by adding a new subparagraph (3) to paragraph (c) to read as follows:

§ 9.53 Cargo winches.

(a) *General.* * * *

(3) Double gear winches or other winches equipped with a clutch shall not be used unless a positive means of locking the gear shift is provided.

* * * * *

(c) *Electrical winches.* * * *

(3) When winches are left unattended, control levers shall be placed in the neutral position and, whenever possible, the power shall be shut off or control levers locked at the winch or the operating controls.

8. Section 9.61 is amended by amending paragraphs (a) and (b) and by adding a new paragraph (d) to read as follows:

§ 9.61 General.

(a) All gear and equipment provided by the employer shall be inspected by the employer or his authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon such inspection to be visibly unsafe shall not be used until it is made safe.

(b) All special stevedoring gear provided by the employer, the strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, shall be tested as a unit in the following manner before initially being put into use:

(1) Gear intended to handle lifts up to and including 20 short tons (40,000 lbs.) shall be tested to 25 percent in excess of its safe working load.

(2) Gear intended to handle lifts over 20 short tons (40,000 lbs.) but not exceeding 50 short tons (100,000 lbs.) shall be tested to 5 short tons (10,000 lbs.) in excess of its safe working load.

(3) Gear intended to handle lifts over 50 short tons (100,000 lbs.) shall be tested to 10 percent in excess of its safe working load.

(4) The employer shall maintain a record of the dates and results of the tests with each unit of gear concerned clearly identifiable. The records shall be available for examination by representatives of the Bureau of Labor Standards.

* * * * *

(d) The weight shall be plainly marked on any article of stevedoring gear hoisted by ship's gear and weighing in excess of 2,000 lbs.

9. Paragraph (a) of § 9.64 is amended to read as follows:

§ 9.64 Chains and chain slings.

(a) Tables G–7 and G–8 shall be used to determine the maximum safe working loads of various sizes of wrought iron and alloy steel chains and chain slings, except that higher safe working loads are permissible when recommended by the manufacturer for specific, identifiable products. Proof coil steel chain, also known as common or hardware chain, or other chain not recommended for slinging or hoisting by the manufacturer, shall not be used for hoisting purposes.

10. Paragraph (a) of § 9.67 is amended to read as follows:

§ 9.67 Pallets.

(a) Pallets shall be of such material and construction and so maintained as to safely support and carry loads being handled on them. Fastenings of reusable pallets shall be belts and nuts, drive screws (helically threaded nails), annular threaded nails or fastenings of equivalent strength.

11. Paragraph (g) of § 9.69 is amended to read as follows:

§ 9.69 Powered conveyors.

* * * * *

(g) Power cables between the deck control box and the grain trimmer shall be used only in continuous lengths without splice or tap between connections.

12. Section 9.73 is amended to read as follows:

§ 9.73 Mechanically-powered vehicles used aboard vessels.

(a) All automotive equipment shall be maintained in good working order and safety devices shall not be removed or made inoperative, except as otherwise provided.

(b) Overhead guards for fork lift trucks:

(1) Fork lift trucks shall be equipped with operator's overhead guards of such design and construction as to protect the operator from boxes, cartons, packages, bagged material or other similar individual items of cargo which may fall from the load being handled or from stowage.

(2) The guard shall be of such construction that it does not interfere with good visibility, but openings in the top of the guard must not exceed six inches in one of the two dimensions, width or length. Larger openings may be permitted provided no opening is larger than the smallest unit of cargo that is likely to fall on the guard.

(3) The guard shall be large enough to extend over the operator in all normal circumstances of truck operation, including forward tilt.

(4) In fork lift trucks equipped with a single tilt cylinder, provision shall be made so that failure of this cylinder or associated parts will not cause the overhead guard to injure the operator.

(5) The overhead guard may be removed only at times when the construction of the truck is such that the presence of such a guard would prevent the truck from entering working spaces, and if the operator cannot be injured by low overhead obstructions.

(c) Guards for bulk cargo-moving vehicles:

(1) Every crawler type, rider operated, bulk cargo-moving vehicle shall be equipped with an operator's guard of such design and construction as to protect the operator, when seated, against injury from contact with a projecting overhead.

(2) Guards and their attachment points shall be so designed as to be able to withstand, without excessive deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(3) Guards shall not be required when the vehicle is used in situations in which the possibility of the seated operator coming in contact with projecting overheads does not exist.

(d) End platform guards:

(1) Every truck operated from an end platform or pedal position shall be equipped with an operator's platform guard of such design that it permits rapid and unobstructed egress.

(2) Guards shall be so designed as to be able to withstand, without excessive deflection, a load equal to the weight of the loaded machine.

(e) Forks, fork extensions or other attachments shall be suitably secured to prevent unintentional disengagement.

(f) Weights and loads:

(1) The vehicle weight, with and without removable counterweights, shall be clearly posted on all mechanically-powered vehicles which are lifted aboard vessels.

(2) The rated capacity of every fork lift truck, with and without removable counterweights, shall be posted on the vehicle in such a manner as to be readily visible to the operator.

(3) Loads in excess of the rated capacity shall not be lifted or carried by lift trucks.

(4) If loads are lifted by two or more trucks working in unison, the total weight shall not exceed the combined safe lifting capacity of all the trucks.

(g) Steering knobs, when furnished, shall be of a mushroom type unless the steering mechanism is of a type that

prevents road reactions from causing the steering handwheel to spin. The steering knob shall be mounted within the periphery of the wheel.

(h) No load on a fork lift truck or industrial crane truck shall be suspended or swung over any employee.

(i) When mechanically-powered vehicles are used, adequate provisions shall be made to ensure that the working surface can support the vehicle and load, and that hatch covers, truck plates, or other temporary surfaces cannot be dislodged by movement of the vehicle.

(j) When mechanically-powered vehicles are left unattended, the controls shall be neutralized, power shut off, brakes set, and the forks, blade, or scoop shall be placed in the lowered position.

13. Section 9.74 is redesignated § 9.75.

14. A new § 9.74 is added which reads as follows:

§ 9.74 Mobile crawler or truck cranes temporarily placed aboard vessels for longshoring operations.

(a) Mobile crawler or truck cranes used by the employer shall meet the following requirements:

(1) The crane weight shall be posted on all cranes which are hoisted aboard vessels.

(2) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(b) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

15. A new § 9.85 is added which reads as follows:

§ 9.85 Containerized cargo.

(a) The gross maximum allowable weight shall be permanently marked on every van and reusable cargo container. The gross maximum allowable weight shall be considered the weight of the van or container at the time of hoisting by the vessel's gear, except when the actual gross weight is plainly marked or otherwise indicated on the van or container or when the van or container is empty.

(b) The provisions of paragraph (a) of this section are not intended to require vans or containers to be weighed to ascertain the actual gross weight when other means of obtaining this information is available.

(c) Actual gross weight markings or indications shall be identified on the van or container by date, voyage number, or other suitable means. Those referring to prior shipments shall be removed or obliterated to avoid confusion.

(d) For the purpose of this section, the terms "van" or "container" mean only completely enclosed reusable units intended to carry more than one smaller unit, or which may be used to carry bulk commodities. They do not mean cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads, or any other of the usual forms of packaging.

16. Section 9.91 is amended by amending paragraph (b) and adding a new paragraph (g) to read as follows:

§ 9.91 Housekeeping.

* * * * *

(b) Gear or equipment, when not in use, shall be removed from the immediate work areas, or shall be so placed as not to present a hazard.

* * * * *

(g) Dunnage, hatch beams, tarpaulins or gear not in use shall be stowed no closer than 3 feet to the port and starboard sides of the weather deck hatch coaming, except that a reasonable tolerance shall be permitted where strict adherence is rendered impracticable due to the circumstances.

17. Subparagraph (2) of paragraph (b) of § 9.92 is amended to read as follows:

§ 9.92 Illumination.

* * * * *

(b) Portable lights shall meet the following requirements:

* * * * *

(2) Portable lights shall be equipped with heavy duty electric cords and may be suspended by such cords only when the means of attachment of the cord to the light is such as to prevent the light from being suspended by the electrical connections. All connections and insulation shall be maintained in safe condition.

18. Paragraph (a) of § 9.93 is amended to read as follows:

§ 9.93 Ventilation and atmospheric conditions.

(a) Ventilation requirements with respect to carbon monoxide:

(1) When internal combustion engines exhaust into the hold or intermediate deck, the employer shall see that tests of the carbon monoxide content of the atmosphere are made as frequently as conditions require to ensure that dangerous concentrations do not develop. Employees shall be removed from the compartment involved when the carbon monoxide concentration exceeds 100 parts per million (.01%). When neither natural ventilation nor the vessel's ventilating system is adequate to keep the carbon monoxide concentration below this allowable limit, the employer shall use blowers sufficient in size and number and so arranged as to accomplish this before work is resumed.

(2) A record of the date, time, location and results of the tests required by subparagraph (1) of this paragraph shall be maintained for at least 30 days after the work is completed. The record shall be available for examination by representatives of the Bureau of Labor Standards.

(3) The intakes of portable blowers and any exposed belt drives shall be adequately guarded by screens.

(4) The frames of portable blowers shall be grounded at the source of the current either through a third wire in the cable containing the circuit conductors or through a separate wire. When the vessel is the source of the current the ground shall be made to the structure of the vessel.

(5) The employer shall not permit the use of shore electrical circuits unless they have been checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current. When the vessel is the source of the current, it is required only that a check be made to ensure good electrical contact between the ground wire and the vessel's structure.

19. Paragraph (a) of § 9.105 is amended to read as follows:

§ 9.105 Head protection.

(a) When employees are handling cargoes of loose scrap metal, bulk ores which contain ore in a chunky form, or bulk commodities of a similar nature, they shall be protected by protective hats meeting the specifications contained in the American Standard Safety Code for Head, Eye, and Respiratory Protection, Z–2.1.

(Sec. 41, 44 Stat. 1444, as amended by sec. 1, 72 Stat. 835; 33 U.S.C.)

Signed at Washington, D.C., this 9th day of November 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 61–10978; Filed, Nov. 17, 1961; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 504—RELATIONS WITH AGENCIES OF PUBLIC CONTACT

Revision

Part 504 is revised to read as follows:

GENERAL

POLICIES GOVERNING PUBLIC INFORMATION ACTIVITIES

AUTHORITY AND RESPONSIBILITIES

POLICIES REGARDING SPECIFIC SUBJECTS AND TYPES OF INFORMATION

AUTHORITY: §§ 504.1 to 504.33 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012.
SOURCE: AR 360–5, Aug. 29, 1961.

GENERAL

§ 504.1 Purpose.

The regulations of this part set forth principles and objectives of public information activities; policies governing review, clearance, and release of public information and relations with public information agencies; and the authority and responsibility for planning and conduct of public information activities.

§ 504.2 Definitions.

"Safeguarded information" is used in this part in the sense defined in § 518.1 (c)(4) of this subchapter and includes classified defense information and official information requiring protection in the public interest.

§ 504.3 Principles.

(a) The American public has a right to maximum information concerning the Army and its activities. Public access will be limited only by restrictions imposed to safeguard information in the national interest.

(b) Information officially released to the public, and thus intended to convey a factual presentation of some aspect of the Army, must be in conformance with the regulations of this part in the interest of insuring that the public can properly judge the manner in which the Army discharges its responsibilities for national security.

(c) The impetus for release of information should come from the Army as part of a comprehensive effort to achieve information objectives in § 504.4.

§ 504.4 Objectives.

To keep the public fully informed concerning the Army and thereby:

(a) Gain public understanding and support of the Army's role in a sound national military program.

(b) Inspire public confidence in the Army's ability to accomplish its mission now and in the future.

(c) Develop public esteem and respect for the Army and Army personnel.

POLICIES GOVERNING PUBLIC INFORMATION ACTIVITIES

§ 504.5 Official release of information.

Under Department of Defense policy, information originating in the Department of Defense or any of its agencies for official release to the public through news media or speeches before external groups will be submitted to the Department of Defense for review and clearance prior to release. The purpose of the review and clearance policies in this part is not to curtail the flow of information, but rather to insure that information made public is accurate and fully in accordance with the policies of the United States Government. Information proposed for official release will be reviewed for:

(a) Security of safeguarded information.

(b) Accuracy, propriety, and consistency with policy as an official pronouncement.

(c) Removal of deleted matter before proposed information is made available to information media or the public.

§ 504.6 Release of information by individuals.

(a) Persons subject to the regulations of this part who speak or write on any subject for outside publication, not in connection with their official duties, will insure that such activity will not conflict with their assigned duties in any way. Except as provided in § 504.9, such activity will not be conducted during normal working hours or accomplished with the use of Department of Defense facilities or personnel. Official status will not be used as a means of gaining access to material that is not available to news media representatives or commercial free lance writers.

(b) Persons subject to the regulations of this part may accept payment for private literary efforts, to include both writings and speeches. Such persons, however, will not:

(1) Speak or write on a regularly scheduled basis for commercial publications or interests without prior written approval of the Chief of Information, Headquarters, Department of the Army.

(2) Receive pay (including honorariums) for speeches or other informational material which their duties require them to provide.

(c) Persons subject to the regulations of this part writing or speaking as private individuals concerning military matters will submit such material for review and clearance as to security of safeguarded information even though no official connotation is implied or inferred. Any individual who uses a title or other identification with the Defense Establishment will include in all material a published announcement to the effect that "the views of the author do not purport to reflect the position of the Department of the Army, etc."

NOTE: Although not subject to the regulations of this part, retired officers may voluntarily submit manuscripts for advisory security review to the Chief of Information, Headquarters, Department of the Army. Such manuscripts should also contain a disclaimer as to official connotation.

(d) Official position requires members of the Army, military or civilian, to exercise good judgment in making any public pronouncements since the distinction between official and personal opinion may not always be clear.

§ 504.7 Levels of release.

(a) It is impracticable for all information proposed for official release to be submitted to the Department of Defense for review and clearance. Therefore, commanders of all echelons are authorized to conduct review and grant clearance for release of information concerning matters wholly within the scope of the mission and responsibilities of their respective commands and which is to be released through local media, unless the clearance for official release of the specific subject matter is reserved to higher authority. Section 504.13 further defines responsibilities for clearance and coordination.

(b) Clearance by the Department of Defense through the Chief of Information, Headquarters, Department of the Army is required for all information concerning:

(1) Interservice activities of national significance and missions or military policies and programs of another service.

(2) The foreign or national military policy of the United States Government.

(3) Atomic energy; nuclear components of weapons systems; chemical, biological, or radiological weapons; new developments in guided or ballistic missiles or new developments in general unless such information has previously been cleared for release by Department of the Army through the Department of Defense. Unofficial prior publication does not constitute authority for official release.

§ 504.8 Procedures.

(a) *Manuscripts.* Persons subject to this part will not make any commitment to furnish manuscripts containing official information to national publications or media other than service journals and official Army publications unless prior approval is obtained through the Chief of Information. Requests from service journals for articles may be accepted without such prior approval and such material may be prepared as an official duty utilizing military facilities and

clerical help. For the purposes of this part the term "service journal" includes newspapers and magazines which represent a particular branch, or a group of branches, of the Army. This does not include service related civilian publications (e.g., Army Times, Army-Navy-Air Force Journal, Army-Navy-Air Force Register). Manuscripts requiring clearance at Headquarters, Department of the Army level will be submitted to the Chief of Information at least 15 days in advance of proposed release.

(b) *Releases to public information media, responses to media inquiries, interviews and press conferences*—(1) *At Headquarters, Department of the Army.* (i) The Chief of Information is responsible for answering requests for information from media representatives and for preparing releases to media based on information furnished by other Department of the Army agencies. He is responsible for coordination with other agencies and release of the information through the Department of Defense to media. Agencies having a technical liaison officer are authorized to furnish information of a routine nature to media representatives in response to requests. Other agencies will refer media inquiries to the Chief of Information.

(ii) Normally, interviews and press conferences will be arranged by the Chief of Information and, where appropriate, attended by his representatives or by the technical liaison officer concerned. In interviews with news media representatives, no safeguarded information will be disclosed. Proposed policies, not yet adopted by the Department of the Army, will not be discussed with news media representatives below secretariat level unless approved by the Chief of Staff for discussion or release.

(2) *In the field.* Commanders below Headquarters, Department of the Army are authorized to release to media items of local or regional nature concerning matters within the scope of their mission and responsibilities.

(c) *Speeches.* Speeches (having an official connotation and for use before external groups) prepared by personnel at Headquarters, Department of the Army will be submitted in five copies to the Chief of Public Information, Headquarters, Department of the Army, at least 8 working days in advance of proposed delivery. The Chief of Public Information will effect necessary coordination and clearance with Department of Defense. At other echelons, the guidance in § 504.7 and elsewhere in this part applies.

(d) *Reference to the Chief of Information.* In case of doubt as to policies regarding release of information, inquiry should be made to the command information offices concerned or of the Chief of Information, Headquarters, Department of the Army.

(e) *Direct communication.* When necessary to expedite handling of public information matters, the Chief of Information, Department of the Army, is authorized direct communication with the heads of Department of the Army agencies and with commanders of major commands, subordinate commands, and installations. Headquarters which must be bypassed will be informed as soon as possible regarding the action.

§ 504.9 Relationships with public information agencies or media.

(a) Army installations or commands may not contact, or respond to contacts by, national news media (such as magazines, wire services, feature syndicates, newsreels, radio or television networks) for the purpose of initiating or participating in public information projects of national scope unless specific authority to do so has been obtained through the Chief of Information, Department of the Army. Contact with national media representatives on matters of local interest are proper and approval of higher headquarters is not required, provided that information released is within the authority of the commander concerned. However, the Chief of Information will be informed of such contacts. Contact with local information media (such as press, radio, and TV) is at the initiative and discretion of the commanders concerned, restricted only as to information release authority.

(b) Subject to the provisions of AR 380–130, AR 380–131 (Army regulations pertaining to industrial security) and the Industrial Security Manual for Safeguarding Classified Information, installation commanders or contractors concerned may, at their discretion, cooperate with media representatives, including those of national media or of advertisers, who request permission to visit an installation under Army jurisdiction or facilities of Department of Defense contractors to obtain information for public release, provided that:

(1) Requests originate with a responsible editor or executive of the media concerned, or, if initiated by a representative, inquiry is made to insure that the applicant is in fact a representative or is a bona fide free lance journalist as established by reputation or a firm commitment from a publisher.

(2) Safeguarded information is not discussed, shown, or made available to news media representatives, and provision is made to insure that information to be released is reviewed and cleared by proper authority as prescribed in this part.

§ 504.10 Travel of news media representatives to and from oversea areas at Government expense.

(a) The general policy of the Department of Defense is that news media representatives will not be furnished military transportation between the continental United States and oversea areas if adequate commercial air transportation is available on the route to be traveled.

(b) Exception may be made where travel is of official concern to the Department of the Army, such as:

(1) The military travel itself is a vital part of the story or stories as in air evacation, maneuvers, or troop movements. In such cases the transportation furnished will be limited to that essential to such coverage. Requests will be evaluated as to importance and audience to be reached.

(2) The story is of an emergency nature and the coverage will be impaired to the detriment of the Army if military transportation is not provided.

(3) Proposed coverage is of unusual importance to the Department of the Army. The determination will be made by the Chief of Information and approved by the Department of Defense.

(c) Orders covering approved transportation will be issued by the commander funding the travel. Two copies of the orders will be furnished the Chief of Information.

(d) Correspondents furnished military transportation will pay for meals, hotel accommodations, and any other personal expenses incidental to the travel and must be accredited to the Department of Defense in accordance with § 504.11.

§ 504.11 Accreditation.

(a) Department of Defense accreditation provides identification credentials to information media representatives assigned to report on military affairs.

(b) Identification as a Department of Defense accredited correspondent does not authorize access to safeguarded information.

(c) Applications for accreditation should be submitted to the Chief of Information, Department of the Army, ATTN: Public Information Division, approximately 6 weeks prior to date required and must include:

(1) A completed personal history statement form and an employer's certification form (current forms may be obtained from the Chief of Information).

(2) A letter from the Information Officer concerned indicating the reason for the request at that time, i.e., for immediate or future use; story to be covered; whether full- or part-time employee; and period of accreditation as representative of the employee, if applicable.

Authority and Responsibilities

§ 504.12 General.

(a) *Command responsibility.* Conduct of public information programs and activities is a command responsibility. Discharge of this responsibility includes planning, directing, and coordinating public information programs and insuring compliance with regulations and Department of the Army policies.

(b) *Staff responsibility.* The Commander is assisted by the information officer on his staff or the staff officer acting in that capacity where an information officer is not provided by TOE or TD. The information officer must be informed of existing and projected plans and policies of the command and he in turn must keep the commander and the rest of the staff informed and developments or impending developments in the public domain which are of significance to the command.

(c) *Individual responsibility.* (1) All individuals subject to this part must be alert at all times to the danger of inadvertently including classified information in material proposed for public release. This is especially true when an individual has had access to classified

information closely related to the subject about which he is writing for release. When there is doubt concerning classification, the material should be properly safeguarded pending a final security review and clearance. Individual and supervisory responsibilities, as delineated in Part 505 of this subchapter, must be continuously emphasized.

(2) Every individual subject to this part is personally responsible that information he releases officially to news media has received prior clearance through the apropriate headquarters.

§ 504.13 Specific responsibilities.

(a) *Chief of Public Information, Office of the Secretary of the Army.* The Chief of Public Information, Office of the Secretary of the Army, is directly responsible to the Secretary of the Army and is responsive to the requirements of the Chief of Staff in public information matters. Specifically, he is responsible for:

(1) Advising the Secretary of the Army, the Chief of Staff, and agencies of the Department of Defense on Army public information.

(2) Assisting in the development and accomplishment of Department of Defense information objectives through advice to the Assistant Secretary of Defense (Public Affairs) on Army matters.

(3) Formulating public information policies of the Department of the Army and coordinating and supervising the world-wide implementation thereof in conjunction with and through the Office of the Chief of Staff.

(4) Supervising the Army's public information security review program in the field.

(5) Conducting a continuing review of the implementation of Executive Order 10501 (18 F.R. 7049), within the Department of the Army, to insure that no information concerning the Army is withheld which the people of the United States have a right to know.

(b) *Chief of Information.* (The Chief of Information serves in a dual capacity as Chief of Public Information.) The Chief of Information is directly responsible to the Chief of Staff in public information matters. His responsibilities include:

(1) Participating with Department of the Army planning agencies in the formulation of major plans and policies to insure due consideration of information implications.

(2) Planning and directing worldwide public information policies and programs of the Department of the Army.

(3) Coordination of material proposed for public release with departmental and field interests and transmission to Department of Defense for security review.

(c) *Headquarters, Department of the Army Staff agencies.* (1) Heads of all Department of the Army staff agencies are responsible for establishing policies governing public release of information regarding their missions and functions and preparing information material regarding these missions and functions for dissemination to the public. Such material will be directed through the Chief of Information, except that those staff agencies having a technical liaison officer may furnish information of a routine nature.

(2) The agency having primary interest will insure that coordination is effected with other interested agencies; any security questions are referred to the Assistant Chief of Staff for Intelligence; and that the information is, in fact, unclassified and releasable to the public.

(3) The heads of staff agencies who exercise command of class II installations and activities will require that public information programs and proposed releases pertaining to the national mission of the staff agency be submitted to the staff agency head prior to submission to the Chief of Information.

(4) Staff agency heads exercising command over class II installations and activities will insure coordination of the public information function of such installations and activities with the ZI army commander or Commanding General, Military District of Washington, as appropriate, in cases where material is of more than local interest or otherwise warrants the attention of the Army commander.

(5) Staff agency heads will establish procedures to insure that policies governing levels of release are applied in class II installations and activities under their jurisdiction.

(d) *Commanding General, United States Continental Army Command.* In accordance with his assigned mission and responsibilities, the Commanding General, United States Continental Army Command is responsible for:

(1) Public information planning in connection with Army and joint exercises and maneuvers under his jurisdiction.

(2) Preparation of initial releases on field exercises and maneuvers under his jurisdiction for release through Chief of Information.

(3) The review, as provided in this part, of all material proposed for release on a national scale pertaining to his mission and responsibilities, unless the material in question concerns subjects reserved to the releasing authority of the Department of the Army or the Department of Defense.

(4) Coordination and supervision of public information instruction at those Army schools under his jurisdiction.

(5) General direction of public information activities of subordinate ZI army commanders and Commanding General, Military District of Washington, U.S. Army, as directly affect his assigned mission and responsibilities.

(e) *ZI army commanders and the Commanding General, Military District of Washington, U.S. Army.* ZI army commanders and the Commanding General, Military District of Washington, U.S. Army, are responsible for the execution of a sound public information program concerning their commands. Each commander is, in addition, responsible for:

(1) Coordination of public information matters, throughout their respective commands to include matters at class II installations and activities in all cases where there is a possibility that the information impact of an action will be felt in the Army area concerned or will affect the mission or responsibilities of the Commanding General, United States Continental Army Commands, and in metropolitan areas as indicated in paragraph (f) of this section.

(2) Review, as provided in this part, of material proposed for public release by an individual or element of his command.

(f) *Commanders of class II installations and activities.* Commanders of class II installations and activities conduct public information programs in accordance with this part and procedures established by heads of Department of the Army staff agencies having jurisdiction over them. They are responsible for coordination of information matters with the ZI army commanders or the Commanding General, Military District of Washington, as appropriate, in all cases where there is a possibility that the public information impact of an action will be felt in the Army area concerned.

(g) *Commanding General, United States Army Air Defense Command.* The public information responsibilities of the Commanding General, United States Army Air Defense Command, are the same as those assigned to the heads of Department of the Army Staff agencies (paragraph (c) of this section). For public information purposes, field units of the United States Army Air Defense Command are considered in the same category as class II installations.

(h) *Oversea commands.* Oversea commanders are responsible for the conduct of public information activities within their commands. They will be guided by the announced policies of the Department of the Army and commanders of unified commands if they are components thereof.

(i) *Information officer.* Military or civilian information officers will be appointed on the staff of each installation and on the staffs of all commanders down to and including the regiment, combat command, battle group, or unit of equivalent size. Where not provided by tables of organization and equipment or tables of distribution, information officers are designated to exercise staff responsibility for the information program in addition to other duties. Direct access to the commander at all times is essential to the information officer for him to perform properly his duties. Information officers normally perform the function of review as prescribed in this part.

(1) Material submitted by an individual for review, and proposed for release through sale or contribution to media with circulation or coverage confined to the vicinity of an Army Installation, may be reviewed and cleared by the installation information officer concerned, provided that public interest in the material is also confined primarily to such vicinity. Similarly, the information officer of a ZI army is competent to clear material of interest and coverage that is primarily regional to the Army area to which he is assigned.

(2) Material concerning subject matter of national or potential national interest, or proposed for release on a national scale, will be referred to the Chief of Information, Department of the Army.

POLICIES REGARDING SPECIFIC SUBJECTS AND TYPES OF INFORMATION

§ 504.14 Army theme in commercial advertising.

(a) The Army theme may be used in commercial advertisements provided the advertisement does not disclose safeguarded information, bring discredit on the military service, or express or imply Army indorsement of or preference for the commercial products advertised. The advertiser will be informed in writing of this disclaimer in each case in which a commitment is made.

(b) Persons subject to this part may not indorse commercial products or involve the Army uniform, or their title or grade, or express or imply other official Army connection therewith.

(c) In cooperating with an advertiser, the Department of the Army does not assume responsibility for the accuracy of the advertiser's claims or for his compliance with laws protecting the rights of privacy of military personnel whose photographs, names, or statements appear in the advertisement.

§ 504.15 Army cooperation in commercial motion picture, radio, and television, and legitimate stage productions.

In the interest of economy of time and money, the use of military personnel and facilities will be included as a part of, or in conjunction with, normal activities to the maximum practicable degree. The provisions of § 504.14 apply.

(a) *Motion pictures.* (1) Commercial motion picture film scripts are certified for Army cooperation after approval by the Department of the Army and the Department of Defense. Cooperation will be at no cost to the Government; arrangements will be made for reimbursement to the Department of the Army of any cost incurred. This cooperation may include furnishing technical advisors, access to locations, equipment, weapons, and troops.

(2) Official cooperation will be considered when it is believed the finished film will benefit the Department of the Army, and is in the best interest of national defense and the public good; will adhere to the Army policies regarding operations, morale, and discipline and complies with standards of dignity and propriety; will portray accurately and authentically military operations, historical incidents, persons or places, and depict a true interpretation of military life; and/or has educational or public relations value from an Army viewpoint.

(3) Army cooperation in motion pictures produced by a foreign firm in an oversea command normally will be authorized in the manner outlined in subparagraph (1) of this paragraph. Oversea Army commanders may, however, authorize Army cooperation in such motion pictures when production schedules make proper and accurate portrayal of the Army dependent upon immediate cooperation.

(4) Commanders learning of motion picture projects concerning Army subjects that are being produced without the knowledge of the Department of the Army will notify the Chief of Information, Department of the Army.

(5) Army support of motion picture premieres, and other showings in the civilian domain for which admission is charged, will be confined to motion pictures which have had Army cooperation or which Department of Defense considers suitable for support. The support rendered will be limited to locally available recruiting displays in theater lobbies, personal appearances of military or civilian Army dignitaries, and normal recruiting advertising and publicity. The commitment of Army musicians, choral groups, or other entertainers, drill teams, other troop units, special exhibits, sidewalk or street presentations, searchlights or other outside publicity support is not normally authorized.

(b) *Radio and television.* (1) Radio and television scripts and productions are certified for Army cooperation in the same manner as are motion pictures when proposed for, or subject to, release on a national scale or when the subject matter thereof concerns information reserved to the review authority of the Department of the Army or the Department of Defense.

(2) A major commander may authorize Army cooperation in a radio or television production which is regional to his command in public interest and coverage. An installation commander has similar authority in the case of productions that are limited in public interest to his own local area. Scripts for such productions may be reviewed and cleared for release by public information officers in accordance with the authority contained in § 504.13(i).

(c) *Legitimate stage productions.* (1) Department of the Army cooperation may be extended to legitimate stage productions, not classed as "little theater," in the manner as indicated in certifying cooperation for motion pictures and television.

(2) "Little theater" productions normally are restricted to local audiences, and therefore commanders of installations in the vicinity of such activities may authorize cooperation. Such cooperation normally will consist of technical advice and informational assistance and should be based on considerations in paragraph (a)(2) of this section. However, if necessary to insure accuracy of presentation, commanders may provide necessary items of equipment, etc.

§ 504.16 Participation of military personnel in commercially sponsored radio-television broadcast not of a public service nature.

(a) *Definitions*—(1) *Local program.* A local program is defined as one broadcast or rebroadcast only by the station over which it originates, or rebroadcast at a later time by another station within the same general broadcast area as the original station.

(2) *Regional program.* A regional program is one broadcast over the facilities of two or more interconnected stations in the same geographical area, but not in the same broadcast area. Filmed, taped, kinescoped, or transcribed programs which are broadcast over one station at a time, but which are later broadcast from one or more other stations in the same geographical area but not in the same broadcast area are considered regional programs.

(3) *National program.* A national program is one broadcast over the facilities of two or more interconnected stations not in the same geographical or broadcast areas. Any filmed, taped, kinescoped, or transcribed program originating simultaneously or successively from stations not in the same geographical or broadcast areas is considered a national program.

(b) *Policy.* The participation of military personnel in commercially sponsored or sustaining radio or television programs may be permitted when deemed by appropriate authority to be in the best interests of the Department of the Army, when it is in keeping with the dignity and prestige of the Army, and it does not interfere with the customary employment and regular engagement of civilian performers (see also § 552.18 of this chapter). The following guidance is established:

(1) Authority to permit participation is delegated as follows:

(i) Authority to permit participation by members of the Army in local commercially sponsored or sustaining radio or television programs is delegated to the commander of the installation to which the individual is assigned.

(ii) Authority to permit participation in regional commercially sponsored or sustaining radio or television programs is delegated to ZI army commanders and the Commanding General, Military District of Washington, U.S. Army.

(iii) Authority to permit participation in national programs is reserved to the Secretary of the Army with the concurrence of the Secretary of Defense. Requests for authority to participate in national programs will be forwarded to the Chief of Information, Department of the Army, who will obtain the necessary clearance. Tentative commitment by individuals to participate in such programs will not be made until such participation is approved.

(2) Appearances may be approved by officials indicated in this section when:

(i) For entertainment purposes the:

(*a*) Program concerned is devoted entirely to the observance of a national holiday or is dedicated to the Armed Forces or to the Army, or

(*b*) Program is local and originates entirely from a military installation, or

(*c*) Military participation sought is unique in character, has no commercial counterpart, and contributes to the interest of the Department of the Army, or

(*d*) Secretary of Defense deems it to be in the national interest.

(ii) For information purposes the person appearing is newsworthy in his own right, or when appearing as an official representative of the Department of the Army or his command for the sole purpose of informing the viewing or listening audience of the operation or functioning of the Department of the Army or of his command.

(3) As an exception to the foregoing provisions of this paragraph, military personnel may take part in audience participation programs when securing

prior approval through an information officer is not feasible. In such cases the individual must assume the responsibility to so conduct himself as to reflect credit upon himself and the military profession.

(4) In all of the cases in this paragraph, the provisions of § 504.14 apply.

§ 504.17 Release of information on nonbattle losses (accidents) occurring within continental United States.

The Department of the Army policy is to reduce to the minimum overall delay between the time of an accident and the release of information to the press.

(a) In case of accidents within the confines of installations of the Armed Forces, public release of names and addresses of killed or injured military personnel may be withheld until such times as the next of kin can reasonably be expected to have received the official notification of the accident. In order to allay the anxiety of relatives of other personnel of the installation, however, every effort will be made to release such names and addresses at the same time that the news of the accident itself is released, or as soon thereafter as possible. In cases where the identification of victims of an accident involving more than one person introduces a delay in notifying some of the next of kin concerned, the names and addresses of individuals killed or injured will be released separately as notification is accomplished.

(b) In case of accidents outside the confines of installations of the Armed Forces.

(1) If military personnel are involved in accidents of civilian or military automobiles, trains, commercial or private aircraft, or in any other types of accidents with the exception of subparagraph (3) of this paragraph, the names and addresses of the military personnel should be released immediately upon positive identification, or, in the case of commercial transportation, upon release of names of other passengers by the carrier.

(2) If military aircraft crash in or near the borders of cities or towns, or cause civilian deaths or injuries or appreciable damage to property, the names and addresses of the military personnel should be released immediately upon positive identification. If positive identification will be delayed because of condition of victims or aircraft, and, if in the judgment of the information officer concerned, release of the flight manifest (identified as such) is indicated, such release is authorized.

(3) If military aircraft crash in localities remote from populated areas, cause no civilian deaths or injuries, and no appreciable property damage, names and addresses of military personnel may be withheld until such time as the next of kin can reasonably be expected to have received notification of the accident.

(4) For the purpose of this part, an aircraft chartered by the Department of the Army for the exclusive use of the military, or by individual members of the Army for their exclusive use, will be considered to be military aircraft and the releasing of information relative to casualties will be governed accordingly.

(c) When circumstances permit, one-story coverage of accidents is desirable. Normally, information released will be substantially as follows:

(1) Statement that the accident has occurred.

(2) Location of the accident and the time.

(3) Names and addresses of the deceased or injured persons.

(4) In answer to questions on the cause of the accident, the customary reply will be that an investigation will be conducted to determine the exact cause. Information which is not safeguarded may be made available to media.

(d) In all accidents, prompt action will be taken to safeguard items of Government property or projects which are classified. This responsibility should be discharged with due consideration for reporters and photographers in the performance of their duties.

(e) Information regarding line of duty or misconduct status of individuals will not be released to the public except with the express approval of The Adjutant General. See Part 518 of this subchapter.

§ 504.18 Release of information on casualties and nonbattle losses in oversea areas.

The policy of the Department of the Army is to release information to news media on casualties (except missing in action, paragraph (a)(3)(iii) of this section) and nonbattle losses as soon as possible after the next of kin have been officially notified. Information will be released as follows:

(a) *Casualties.* (See § 511.1 of this subchapter.)

(1) Immediately, if notification has been made by the oversea commander to the next of kin residing within the oversea command.

(2) In all other cases, not less than 48 hours after dispatch of notification telegram by The Adjutant General.

(3) Casualties will be identified according to type, except missing in action, in news releases and the term "casualty" itself will be avoided in order to correct a popular tendency to construe "casualties" as "killed". News releases will identify casualties as:

(i) Deaths.

(*a*) Killed in action.

(*b*) Died of wounds received in action.

(ii) Wounded in action (with a subparagraph indicating percentage of wounded returned to duty on medical records).

(iii) Missing in action—notification will be made to the next of kin or other interested persons, and disclose only the fact that the service member is missing.

(4) In all cases pertaining to casualties, notification of the next of kin takes precedence over the release of such information to the public.

(5) The Adjutant General will furnish information concerning casualties to the Chief of Information for the news media.

(b) *Nonbattle losses.* (1) Immediately, if notification has been made by the oversea commander to the next of kin residing within the oversea command.

(2) In all other cases (except subparagraph (3) of this paragraph) not less than 24 hours after casualty reports (LOYAL (seriously ill), PUNCH (missing), and CROWN (death)) have been transmitted and receipt of acknowledgment obtained from the action addressee, unless definite information is available that notification of the next of kin has been accomplished.

(3) In those cases where local civil authorities have released the names of deceased personnel, theater commanders or commanders of military assistance advisory groups, military missions, or other Army organizations not under theater commands, may authorize release or confirmation. Such action will be taken only when necessary to preserve good press relations, and must be simultaneously reported to the Chief of Information, Department of the Army.

§ 504.19 Release of information of accidents involving chemical, biological or radiological (CBR) material in continental United States.

NOTE: This paragraph does not apply to nuclear weapons components. Accidents involving nuclear weapons are covered in separate letter directives.

An accident during shipment involving chemical, biological or radiological (CBR) material, information of which would normally not be released because of classification or the possibility of causing undue public concern, may require release of safeguarded information in the interest of health and safety. In the event of such accident, the following will govern:

(a) Responsibility for making on-the-spot news releases and notification of proper authorities rests with Chemical Corps technical personnel accompanying the shipment. If such persons are casualties and cannot perform necessary actions, the consignee, military shipping agency, or Chemical officer of the nearest installation, whoever first receives notice of the accident, will make necessary releases and notifications.

(b) News releases will contain only such information determined by responsible persons indicated in paragraph (a) of this section to be essential to health and safety.

(c) Persons making news releases will notify, by the most expeditious means possible, the Technical Liaison Office, Office of the Chief Chemical Officer, Department of the Army (area code 202, OXford 7-1313) of the content and circumstances of the release and then will notify the Information Officer of the nearest Army installation.

(d) If accidental release of toxic agents in a populous area makes immediate warning and evacuation necessary, persons indicated in this section are authorized to request assistance of newspapers, local radio and TV stations, police, etc.

§ 504.20 Release of information concerning chemical and biological weapons and defense.

National interest requires that the public be informed of the nature of the

chemical and biological threat to civilian population and military forces in the event of aggression and of the effects of such weapons and methods of defense currently available or under development. Cooperation with non-military agencies in dissemination of unclassified information is an important responsibility, particularly with regard to the U.S. Public Health Service, U.S. Department of Agriculture, the American Red Cross, the Office of Civil and Defense Mobilization, and the scientific community. Programs designed to fulfill requirements for public information will be subject to the review and clearance in accordance with § 504.7(b)(3).

§ 504.21 Release of information concerning activation, training, and movement of units.

(a) Initial release of information concerning activation and movement of units is made through the Department of Defense. Thereafter, information not restricted by paragraph (c) of this section may be released locally by responsible commanders.

(b) Release of information concerning training of units, and which is not safeguarded nor restricted by paragraph (c) of this section, may be released by the responsible commander, except in the case of major joint exercises. In the latter case, initial release will be made by Department of Defense and thereafter may be made by the joint commander.

(c) The following information is not releasable concerning any phase of activation, redesignation, reorganization, training, or movements of units (either within the United States or to oversea destinations):

(1) Exact personnel strength and composition of units.

(2) Status, amount, or quality of equipment.

(3) Combat efficiency.

§ 504.22 Release of information concerning inactivation of installations, facilities, or activities or substantial personnel or contract reductions.

(a) Accurate and timely information, consistent with security, will be released initially at Department of the Army level through the Department of Defense when the decision has been made by the Department of the Army to:

(1) Close, reduce population of or otherwise change the status of an installation or facility which may be of interest to Congress or the public.

(2) Reduce Government, or contract employment at an installation, facility, or activity by 50 or more civilian personnel.

(3) Substantially reduce contract operations.

(b) After coordination with Department of Defense and prior to public release of the information, the Chief of Legislative Liaison, Office of the Secretary of the Army, will notify appropriate members of Congress. Such notification will include the time that Department of Defense intends to release the information to the public. Subsequent public release will be through public information channels.

(c) The above criteria are not intended to be inflexible or without exception. The principal consideration at which they are pointed is the economic effect in the community concerned which may be aggravated through inaccurate or incomplete information.

§ 504.23 Release of information concerning acquisition of foreign facilities and installations.

Information concerning acquisition of foreign facilities and installations is within the category of § 504.7(b)(2), and required review and clearance accordingly.

§ 504.24 Control of photography or sketches made by civilians outside military installations within United States and its Territories.

(a) Outside military installations within the United States and its territories, military authorities will not prohibit or prevent the taking of photographs or making of other forms of graphic representation of military personnel, equipment, or material if no classified defense information or material is exposed to view.

(b) If classified material is exposed, such material will be covered or removed and consent granted to the taking of photographs or the making of other forms of graphical representation by those desiring to do so. If classified defense information or material is present and cannot be removed or covered, those desiring to take photographs or make other graphical representations will be advised that to do so without permission of appropriate military authority could be a violation of law (act of June 25, 1948, 62 Stat. 737, 18 U.S.C. 795, 797). Difficulties in this connection usually arise during transport when normal precautions are upset by accidents or other transportation mishaps.

(c) If, after notification as in paragraph (b) of this section, those desiring to take such photographs or make graphical representation insist, the military authority concerned will:

(1) Request that the photographic negative or plate or other product be surrendered.

(2) Advise those concerned that willfully failing to surrender same could be a felony under the provisions of title 18, section 793(e), United States Code (62 Stat. 736, as amended), punishable by a fine of not more than $10,000 or 10 years imprisonment, or both.

(3) In the event of failure to deliver the negative, plate, or product, those concerned will be requested to remain at the scene until the arrival of local peace officers or Federal Bureau of Investigation (FBI) representative. The officer or noncommissioned officer in charge will immediately solicit the aid of local peace officers in detaining the violator and promptly report the facts to his commanding officer who will, by the fastest available means notify the nearest field office of the Federal Bureau of Investigation for investigation as a possible violation of the statute reference in subparagraph (2) of this paragraph. When it is impracticable to request FBI assistance through the commanding officer, the military authority present at the scene may report the violation direct to the FBI field office, and subsequently notify his commanding officer of the action taken.

(4) In the event the person concerned refuses to surrender the negative, plate, or product relating to the national defense and/or refuses to remain until the arrival of local peace officers or the FBI representative, the person may be physically restrained until either the local peace officers or the FBI representative arrive on the scene. Care must be exercised to insure that only the amount of physical force absolutely essential to restrain the violator is used.

(5) A complete summary of events will be forwarded by the commander concerned, through channels, to the Assistant Chief of Staff for Intelligence, Department of the Army, Washington 25, D.C.

(d) It is emphasized that personnel concerned must determine as quickly as possible in each case whether classified equipment or material is exposed. Speed in making these determinations and in covering or removing any classified equipment or material found to be exposed will effect the greatest possible safeguarding of defense information while, at the same time, meeting the needs of public information media.

§ 504.25 Release of aerial photographs.

(a) Even though unclassified, official aerial photographs of military installations and other possible target areas will not be publicly released as authorized by appropriate Department of the Army or Department of Defense authority. Requests for exceptions of this policy will be referred to the Chief of Information, Department of the Army. In addition to this restriction on the release of such official aerial photographs, commanders will, when called upon for such advice by media, recommend against the taking or publishing by news media of aerial photographs of military installations and other possible target areas, stressing that compliance with this recommendation is voluntary but desirable in the interests of national security.

(b) The photographing of vital (classified) military installations without the permission of the commander of the installation concerned is punishable by law. The reproduction, publication, or sale of an aerial photograph of such installation is also an offense punishable by law unless such photograph indicates it had been reviewed and cleared for release by the authority competent to accomplish the security review thereof (see title 18, United States Code, sections 795, 796, and 797, as implemented by Executive Order No. 10104, Feb. 1, 1950) (see 15 F.R. 597). Where recourse to legal authority becomes necessary in connection with such requests, guidance should be obtained from the staff judge advocate or other legal officer of the command or installation concerned.

§ 504.26 Release of unclassified official still and motion picture material.

Release of unclassified official still and motion picture material, except original negatives or color transparencies, is gov-

erned by the same policies as other information material as established in §§ 504.5–504.11, and the provisions of AR 108–5 (Army regulations pertaining to still and motion picture photography). Original negatives or original color transparencies may not be released.

§ 504.27 Release of unclassified official pictorial information material to foreign nationals.

This paragraph is an exception to AR 380–19 (Administrative regulations pertaining to international interchange of patent rights and technical information). It does not apply to release of information to government representatives through intelligence channels. The procedures and policies regarding release of information to United States media applies to release of official pictorial material to foreign nationals except that:

(a) Requests received directly from organizations or individuals residing in foreign countries other than Canada will be forwarded to the Chief of Information, Department of the Army for approval, coordination with appropriate agencies, and release through the Department of Defense. The latter will forward the material requested through the United States Information Agency.

(b) Requests received from individuals or organizations in the United States who represent news media or other interests in foreign countries other than Canada will be handled as in paragraph (a) of this section except release will be made by Department of Defense after coordination with United States Information Agency.

(c) Requests from representatives of media or other interests located in Canada or directly from such agencies residing in Canada will be handled as those from the United States.

(d) Information officers of commands located in foreign countries may release pictorial material directly to bona fide local news media or representatives of other foreign media present in, or accredited to, the command in accordance with policies in this part and those of the oversea commander. Requests not within this category will be referred to the nearest United States Information Service representative.

(e) The provisions of this section apply to requests received from countries with which the United States maintains friendly relations.

§ 504.28 Photographing women in the Army.

Women in the Army will not be photographed in poses which reflect lack of feminine dignity and decorum, and will not be included in pictures posed with hand-fired weapons or showing artillery or missiles except as follows:

(a) Women in the Army may be pictured with hand-fired weapons if wearing appropriate civilian clothing, if there is no military implication, and if the picture and caption indicate that the women are participating in a sport or hobby.

(b) Women in the Army may be included in pictures showing artillery or missiles if the picture and caption clearly indicate that the women are not assigned to any duties directly connected with the firing units.

§ 504.29 Photography at courts-martial.

(a) In the interest of both the Army and the prisoner, Department of the Army policy discourages the photographing of prisoners except for official purposes. Disregard of this policy could subject the Army to criticism on grounds of defamation, embarrassment, mental anguish, and similar charges.

(b) In cases of national public interest in matters of a nonclassified nature, certain photography in connection with a trial by court-martial is permitted.

(c) On receipt of requests from news media for permission to take photographs during the period of a trial by courts-martial, commanders will be guided by the following:

(1) Photography of the interior of the court-room may be permitted when personnel involved in the proceedings are not present.

(2) During the trial, photography of the accused may be permitted at such times as he is out-of-doors in public view. At their option, members of the court or the accused, may be photographed in the room or rooms assigned to the press. Any photography of the accused will be accomplished only under appropriate circumstances, never in a courtroom, cell, cellblock, prison yard, or like area. A military prisoner will not be photographed when other prisoners are present nor be forced to pose for photographs, except for official purposes. Any photography permitted will not impede or interfere with the progress of the trial.

§ 504.30 Release of information regarding travel by very important persons (VIPs).

(a) A very important person (VIP) is defined as an individual (civilian official, ranking member of an armed service, foreign government head, etc.) whose position is of such importance that his travels are of special interest to the public information media representatives.

(b) The movement of VIPs will not be classified, except where required in the interest of national security, or where it is deemed that adverse foreign reaction will result if information regarding the movement is released. Classification is authorized only when directed by the Secretary of the Army, the Secretaries of other military departments concerned, the Secretary of State, the Secretary of Defense, or higher authority.

(c) Itineraries of VIPs will be released in advance to commanders of installations and activities concerned, and normal media relations will be observed. Where the VIP does not desire media coverage, every effort will be made to comply with his wishes.

§ 504.31 Use of Department of the Army personal letters or communications.

Personal letters and similar communications, previously unpublished, are the literary property of their author. The author does not publish his work or give up his rights by sending the letter to the addressee. The addressee is not entitled to publish the letter unless the author, or a person legally entitled to do so, has given permission. Therefore, in every case where it is proposed to release correspondence of a personal nature to the public, written consent will be obtained in advance of the release. In the event the writer is deceased, the written consent of the personal representative will be obtained. In those cases where written consent cannot be obtained or where current ownership is doubtful, requests for exception will be submitted to the Department of the Army for determination.

§ 504.32 Public information activities concerning disaster relief.

(a) To insure adequate press and pictorial coverage of efforts of United States Army agencies in providing assistance to governments of other countries or to United States civil authorities in the event of such disasters as fires, floods, typhoons, hurricanes, earthquakes, avalanches, and other natural catastrophes, information regarding efforts by United States Army commands and agencies to alleviate suffering, prevent spread of disease, and bring relief to local populations should be made available promptly to news and pictorial media.

(b) Activities in oversea disasters should be coordinated with representatives of the Department of State in the area and with other United States Government departments and agencies which participate in the relief program. So far as practicable, commanders will give all possible assistance to local information media representatives and accredited correspondents in obtaining full coverage.

(c) Release of oversea disaster relief spot news is the responsibility of the oversea commander concerned and will be made to local media, world press agencies, including the United States Information Service at the scene.

(d) The degree of emphasis on the part played by the Army in relief operations should be dictated by good judgment, and the sensibilities of the local population.

(e) Responsibilities for information activities in connection with domestic disaster relief operations under Part 502 of this subchapter are as prescribed therein.

§ 504.33 Unofficial questionnaries, surveys, and other opinion research projects.

(a) *General.* (1) Surveys, polls, and other opinion research projects directed to individuals or to organizations, installations, facilities, and activities of the U.S. Army by civilian organizations and individuals, when they pertain to military matters or matters which are specifically directed to their military status will not be conducted unless authorized by Department of the Army.

(2) Cooperation of individuals and organizations of the Army with the United States citizens and United States organizations conducting other bona fide research projects, opinion surveys, and the like is authorized in the interest of good public relations.

(3) Response to or cooperation with opinion research agencies or individual correspondents, however, is subject to the following considerations and limitations:

(i) *Security.* Communication between persons not previously known to each other may result in the unauthorized disclosure of classified defense information. Personal correspondence may be used both for propaganda purposes and for the collection of information later interpreted into intelligence of value to enemies or potential enemies of the United States.

(ii) *Propriety.* Individual service members enjoy the same rights of privacy and protection from invasion thereof and the same privilege to participate or refrain from participation in opinion surveys and polls as do other citizens. Their status as representatives of the U.S. Army, however, demands caution and unusual discretion to insure that information supplied in response to surveys is not subject to erroneous interpretation as official opinion and does not constitute a basis for possible action adverse to the best interests of the individual and the U.S. Army.

(b) *Responses by individuals.* (1) No individual may represent or in any way indicate that he is expressing an organizational or Army preference; moreover, he will not release any safeguarded information. It is proper, however, for an individual to express a personal preference for a particular commercial product (i.e., automobile, cigarette, soap product, periodical, television, or radio program, etc.).

(2) An individual who receives a request for information from a person outside the Department of Defense which pertains to military matter or matters specifically directed to his military status or if the inquiry is worded unclearly or the recipient is uncertain about the propriety of a reply, will refer the request to his unit commander. The commander may approve or disapprove reply to the request in accordance with this part. In doubtful cases, the commander will refer the request through channels to the Chief of Information, Headquarters, Department of the Army.

(c) *Responses by organizations or units*—(1) *Commercial surveys.* (i) No organization or unit will make a response which creates the impression that it is indorsing or has a preference for any commercial product.

(ii) Moreover, it is not proper for an organization or unit to conduct polls or otherwise use governmental facilities and personnel for the purpose of compiling materials for use of commercial enterprises; for example, to conduct polls to determine which brand cigarette members smoke, or which auto they prefer, etc.

(2) *Educational surveys.* Generally a response which relates to educational or research projects of a non-profit nature may be answered. For example:

(i) Hobbies of the personnel.

(ii) Types of publications read (as distinguished from a particular magazine).

(iii) Types of television programs watched. However, no response should be made in any case if gathering the information is burdensome upon the unit or interferes with the performance of official duties. Unit personnel rosters or lists of individuals should not be released without the approval of the Headquarters, Department of the Army.

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-10965; Filed, Nov. 17, 1961; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PART 203—BRIDGE REGULATIONS

Sabine Pass Channel and Intracoastal Waterway, Texas

1. Pursuant to the provisions of Section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U.S.C. 471), § 202.196 is hereby prescribed establishing and governing the use and navigation of an anchorage area in Sabine Pass Channel, Texas, effective on publication in the FEDERAL REGISTER since navigation now uses the realigned channel, as follows:

§ 202.196 Sabine Pass Channel, Sabine Pass, Tex.

(a) *The anchorage area.* The navigable waters of the old reach of Sabine Pass Channel lying along the southwesterly side of the realigned Sabine Pass Channel at Sabine Pass and extending northwesterly and southeasterly, respectively, to lines parallel to, and 500 feet from, the westerly bottom edge of the realigned channel.

(b) *The regulations.* (1) The anchorage area is for the temporary use of vessels of all types but especially for naval and merchant vessels awaiting favorable tides to navigate the realigned reach of Sabine Pass Channel.

(2) Vessels shall not anchor in the anchorage area for periods exceeding 48 hours unless expressly authorized to do so by the Captain of the Port.

(3) Vessels shall not anchor so as to obstruct the free use of the anchorage area and shall at all times leave a clear passage for vessels navigating through the anchorage area.

(4) Vessels shall not unreasonably obstruct the approaches to landings, slips, wharves or other facilities in the harbor area.

(5) Anchors shall not be placed outside the limits of the anchorage area and no portion of the hull or rigging of any anchored vessel shall be allowed to extend outside of the limits of the anchorage area.

(6) Vessels using spuds for anchors shall anchor as close to shore as practicable having due regard for the provisions in subparagraph (4) of this paragraph.

(7) Fixed moorings, piles or stakes, and floats or buoys for marking anchorages or moorings in place, are prohibited.

(8) Whenever the maritime or commercial interests of the United States so require, the Captain of the Port is hereby empowered to shift the position of any vesel anchored or moored within or outside of the anchorage area including any vessel which is moored or anchored so as to obstruct navigation or interfere with range lights or other aids to navigation.

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), §§ 203.541 and 203.542 governing the operation of the bridge of the Texas Highway Department in the new Galveston Causeway near Galveston, Texas, is hereby revoked effective on publication in the FEDERAL REGISTER, the bridge drawspan being maintained in the open position to navigation pending removal and replacement by a fixed span, as follows:

§ 203.541 Intracoastal Waterway, Tex.; bridge of the Texas Highway Department in new Galveston Causeway in vicinity of Galveston, Texas. [Revoked]

§ 203.542 Intracoastal Waterway, Galveston Tex.; Bridge of the Texas Highway Department in new Galveston Causeway. [Revoked]

[Regs., Nov. 2, 1961, 285/91-ENGCW-ON] (Sec. 7, 38 Stat. 1053, sec. 5, 28 Stat. 362; 33 U.S.C. 471, 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-10966; Filed, Nov. 17, 1961; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 111—CONDITIONS APPLICABLE TO ALL CLASSES

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 111.2, as published in 26 F.R. 8694-8695, subparagraph (3) of paragraph (e) is amended to show that 100 international reply coupons may now be redeemed at one time. As so amended, subparagraph (3) reads as follows:

§ 111.2 Postage.

* * * * *

(e) *Reply coupons.* * * *

(3) Properly postmarked international reply coupons issued in other countries are exchangeable at United States post offices for postage stamps at the rate of 11 cents each, except that Canadian and Mexican international reply coupons are exchanged at the rate of 4 cents each in postage. Patrons may not redeem more than 100 coupons at one time.

NOTE: The corresponding Postal Manual section is 221.253.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

§ 168.5 [Amendment]

II. In § 168.5 *Individual country regulations*, as published in 26 F.R. 8725–8805, the country "Upper Volta (Republic of)", under Parcel Post, is amended by striking out the item "Air parcel post—No service.", and inserting in lieu thereof the following:

Air parcel rates: Four ounces or less, $1.75; each additional 4 ounces or fraction, 55 cents.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–10984; Filed, Nov. 17, 1961; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2539]

[Washington 03339]

WASHINGTON

Withdrawing Lands in Aid of Legislation; Revoking Executive Order of March 7, 1900 (Cape Johnson Lighthouse Reservation)

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands are hereby withdrawn from settlement, location, sale, or entry, in aid of legislation to add the lands to the Olympic National Park:

WILLAMETTE MERIDIAN

T. 28 N., R. 15 W.,
Sec. 6, lot 1.
Containing 3.25 acres.

2. The Executive order of March 7, 1900, so far as it withdrew the lands as the Cape Johnson Lighthouse Reservation, is hereby revoked.

3. The withdrawal granted by this order shall terminate 10 years from the date hereof, unless sooner terminated or extended by appropriate order of the Secretary of the Interior to be published in the FEDERAL REGISTER. Thereafter, the Secretary of the Interior by appropriate published order of revocation or modification, may provide for other use and disposition of the lands herein under the public land laws and other laws existing at the time of such order.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

NOVEMBER 13, 1961.

[F.R. Doc. 61–10985; Filed, Nov. 17, 1961; 8:48 a.m.]

[Public Land Order 2540]

COLORADO

Opening Lands Under Section 24 of the Federal Power Act (Power Site Reserve No. 92; Power Site Classification No. 110)

1. In DA–411, DA–417, DA–424, and DA–429, Colorado, the Federal Power Commission determined that the value of the following-described lands withdrawn for power purposes would not be injured or destroyed for purposes of power development by location, entry, or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act, as amended:

[Colorado 023764]

SIXTH PRINCIPAL MERIDIAN

DA–411

T. 3 S., R. 72 W.,
Sec. 32, S½SE¼;
Sec. 34, SW¼SW¼ and E½SW¼.
T. 4 S., R. 72 W.,
Sec. 3, lot 1.

[Colorado 030343]

DA–417

T. 8 S., R. 79 W.,
Sec. 16, lots 3 to 9, incl., and SE¼SE¼;
Sec. 21, lots 1 to 5, incl., 8, 9, 14, NE¼NE¼, and unpatented French Gulch Placer Claim No. 2207;
Sec. 28, lots 1, 2, and 4;
Sec. 31, lots 1 and 2;
Sec. 32, lots 3 and 4.
T. 9 S., R. 79 W. (Unsurveyed),
Secs. 5, 6 and 7, every smallest legal subdivision any portion of which lies within ¼ mile of the Arkansas River.

[Colorado 043567]

NEW MEXICO PRINCIPAL MERIDIAN

DA–424 and DA–429

T. 44 N., R. 11 W.,
Sec. 34, lots 21 and 23.

The areas described total in the aggregate approximately 1,900 acres. The lands are in part patented, and some are withdrawn for the San Isabell National Forest.

2. Subject to the provisions of section 24 of the Federal Power Act of 1920, as amended, the lands are hereby restored to the operation of the public land laws, subject to any valid existing rights and equitable claims, the requirements of applicable law, rules, and regulations, and the provisions of any existing withdrawals, the national forest lands being opened to such forms of disposition as may by law be made of national forest lands, provided that until 10:00 a.m., on May 15, 1962, the State of Colorado shall have a preferred right of application to select the non-forest lands in accordance with subsection (c) of section 2 of the act of August 27, 1958 (72 Stat. 928; 43 U.S.C. 851, 852). During this period, the State may also apply for the reservation to it or to any of its political subdivisions, under any statute or regulation applicable thereto, of any of the lands required for rights-of-way or for materials sites, in accordance with the provisions of section 24 of the Federal Power Act, supra.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws subject to the provisions of the act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

NOVEMBER 13, 1961.

[F.R. Doc. 61–10974; Filed, Nov. 17, 1961; 8:46 a.m.]

[Public Land Order 2541]

[Oregon 011452]

OREGON

Partly Revoking the Executive Order of January 26, 1867, Which Withdrew Lands for Lighthouse Purposes

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of January 26, 1867, which withdrew lands at certain points on the Pacific Coast, not exceeding 20 acres at each point, for lighthouse purposes, is hereby revoked so far as it affects the following described site:

WILLAMETTE MERIDIAN

No. 21, a point about 13½ miles south of Rogue River near "Mark's Arch".

The lands are patented.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

NOVEMBER 13, 1961.

[F.R. Doc. 61–10975; Filed, Nov. 17, 1961; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Part 5 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), (5)(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 14th day of November 1961, that, effective November 20, 1961, Part 5 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: November 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 5.3(b) is amended to read as follows:

§ 5.3 Definition of terms.

* * * * *

(b) *Authorized power.* The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the International Telecommunication Union.

2. Section 5.155(b) (2), (3), and (4) is amended to change "Mc" to "Mc/s", as follows:

§ 5.155 Operator requirements.

* * * * *

(b) * * *

(2) An unlicensed person may operate a mobile station when transmitting radiotelephony on frequencies above 25 Mc/s.

(3) An unlicensed person may operate a mobile station when transmitting radiotelephony on frequencies below 25 Mc/s when such mobile station is under the operational control of a land station of the same licensee.

(4) No person is required to be in attendance at a station when transmitting on frequencies above 50 Mc/s for telemetering purposes or when serving as a relay station for the purpose of retransmitting by self-actuating means signals from another station or stations.

3. Section 5.253(c) is amended to delete the parenthetical reference, as follows:

§ 5.253 Frequencies available for assignment to stations operating in the Experimental Service (Developmental).

* * * * *

(c) Frequencies which have been allocated in Part 2 of this chapter to a non-government service for which rules have not been promulgated may be assigned to the class of stations indicated in column 9 of the table of allocations for the purpose indicated in column 8 of that table.

4. Section 5.406(a) is amended to read as follows:

§ 5.406 Frequencies.

(a) Frequencies in the following bands are available for assignment in authorizations issued under this subpart:

27.23–27.28 Mc/s.
460–461 Mc/s.
462.525–467.475 Mc/s.
2450–2500 Mc/s.

[F.R. Doc. 61–11008; Filed, Nov. 17, 1961; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Parts 194, 221]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Operation and Maintenance Charges

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the acts of April 4, 1910 (36 Stat. 270); August 1, 1914 (38 Stat. 583); May 18, 1916 (39 Stat. 140); March 7, 1928 (45 Stat. 210); and August 7, 1946 (60 Stat. 867), it is proposed to amend 25 CFR Parts 194 and 221 as set forth below. The purposes of the amendments are to provide for bringing lands that cannot be served by the gravity system, designated as pump lands, into the Flathead Indian Irrigation Project for service purposes and to establish assessment rates for assessing such pump lands.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to Commissioner, Bureau of Indian Affairs, Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

A new section is added to Part 194 to read as follows:

§ 194.23 Pump lands.

When requested in writing to do so, by the holder of legal title to the land, the Secretary of the Interior, or his authorized representative, may designate such land lying above the gravity flow delivery point which may be susceptible of irrigation through pumping operations as a part of the project. Lands thus designated shall be subject to the payment of the pro rata per acre share of the construction, operation and maintenance costs the same as all other project lands in the same general area receiving gravity flow water. In the Mission Valley Division of the project such designated land shall be obligated to pay an additional per acre foot assessment for water delivered to the "pump land" equal to the pumping cost from Flathead Lake or Flathead River and the cost of delivering such water to the land. In the Camas Division of the project such designated land shall be obligated to pay a per acre foot assessment for water delivered to the designated "pump land," equal to the pumping costs from the Little Bitterroot Lake and the costs of delivering such water to the land. All other costs incidental to the pumping and distribution of the delivered water from the project farm unit delivery point to the "pump land" shall also be borne by the landowner. Such landowner is obligated to comply with the regulations now or hereafter adopted for the Flathead Indian Irrigation Project. At the time of filing his petition the landowner will be required in writing to request the inclusion of such "pump land" in an existing irrigation district or a district subsequently formed pursuant to the laws of the State of Montana. No land in Indian ownership shall be included in the irrigation district as long as the title to the land remains in Indian ownership.

Paragraph (c), reading as follows, is added to § 221.17;

§ 221.17 Charges, Mission Valley and Camas Divisions.

* * * * *

(c) The annual pumping charge for water pumped from Flathead Lake or Flathead River for use on land designated as "pump land" in the Mission Valley Division of the project under 25 CFR 194.23 shall be $2.00 per acre foot or fraction thereof until otherwise ordered. The annual charge for pumping water from the Little Bitterroot Lake for land designated as "pump land" in the Camas Division shall be $1.00 per acre foot or fraction thereof until otherwise ordered. After the pumped land has become a part of an Irrigation District the charges assessed against such pump land during the calendar year shall be included in the notice furnished to the irrigation district for the following irrigation season.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

NOVEMBER 13, 1961.

[F.R. Doc. 61-10973; Filed, Nov. 17, 1961; 8:46 a.m.]

Bureau of Land Management

[43 CFR Parts 191, 203]

GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES; LEASES FOR NATIVE ASPHALT, SOLID AND SEMISOLID BITUMEN AND BITUMINOUS ROCK

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. sec. 181, et seq.) as amended by the Act of September 2, 1960 (74 Stat. 781; 30 U.S.C. sec. 181, et seq.) and section 2470 of the Revised Statutes (43 U.S.C. 1201), it is proposed to amend 43 CFR Part 191 and to add a new part 43 CFR Part 203. The purpose of the amendment and the new part is to implement the provisions of section 7 of the Mineral Leasing Act Revision of 1960, enacted September 2, 1960, Public Law 86-705 (74 Stat. 781, 790; 30 U.S.C. secs. 181, 182, 241).

It is the policy of the Department of the Interior wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 191.1 is amended to read as follows:

§ 191.1 Purpose of the leasing acts.

The act of February 25, 1920 (41 Stat. 437; 30 U.S.C., 181 et seq.), as amended and supplemented, including the amendatory act of August 8, 1946 (60 Stat. 950; 30 U.S.C., sec. 181 et seq.) and the act of September 2, 1960 (74 Stat. 781; 30 U.S.C., sec. 181 et seq.), the act of February 7, 1927 (44 Stat. 1057; 30 U.S.C., 281-287) and the act of April 17, 1926 (44 Stat. 301; 30 U.S.C., 271-276) as amended, hereinafter called "the act", provide for the leasing of oil and gas, coal, potassium, sodium, phosphate, and oil shale, native asphalt, solid and semisolid bitumen, and bituminous rock including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried, and lands containing such deposits owned by the United States in the public domain and deposits of sulphur and the public lands containing such deposits in the States of Louisiana and New Mexico, except as stated in § 191.2.

2. A new Part 203 is added to Title 43 Code of Federal Regulations to read as follows:

PART 203—NATIVE ASPHALT, SOLID AND SEMISOLID BITUMEN AND BITUMINOUS ROCK LEASES

GENERAL

GENERAL

§ 203.1 Statutory authority.

The Act of February 25, 1920 (41 Stat. 437; 30 U.S.C., sec. 181), as amended by the act of September 2, 1960 (74 Stat. 781; 30 U.S.C. secs. 181, 241) provides for the leasing of native asphalt, solid and semisolid bitumen and bituminous rock (including oil impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried).

§ 203.2 Application for lease.

(a) An applicant must give his name and address and citizenship qualifications in the manner prescribed in § 191.3 of this chapter. The applicant must also give the reasons why he believes the mineral sought to be leased can be developed in the land in paying quantities and furnish such facts as are available to him respecting the known occurrence of the mineral in the land, the character of such occurrence and its probable worth as evidencing the existence of a workable deposit of such mineral.

(b) Lands included in an application for a lease must be described in the same manner as specified in § 192.42a of this chapter. No more than 7,680 acres may be acquired or held under lease by any person, association or corporation in any one State irrespective of the number of leases.

(c) Each application must be filed in the proper land office as set forth in § 192.42 of this chapter and must be accompanied by a filing fee of $10 which will not be returnable.

(d) All leases will be issued through competitive bidding only in the same manner as that provided for in §§ 192.51 to 192.53 of this chapter.

§ 203.3 Rentals, royalties and minimum royalties.

The minimum royalty and royalty rates will be fixed and determined prior to the offering of the lands for lease and the issuance of the lease to the successful bidder. Such rates will be set out in the notice of publication inviting bids and will be determined on an individual case basis. The annual rental will be 50 cents per acre or fraction thereof payable annually in advance.

§ 203.4 Term of lease.

All leases shall be for a term of 10 years and so long thereafter as the lessee complies with the terms and conditions of the lease.

§ 203.5 Multiple use of lands.

In accordance with, and in furtherance of the principle of the multiple use of the public lands, a lease for the mineral deposits enumerated in this Part may be issued, notwithstanding the existence of any lease covering the same lands issued under any other provision of the act.

§ 203.6 Form of lease.

The form of lease will be substantially the same as that set forth in 47 L.D. 426–429. The right is reserved to insert in the lease such other terms and conditions as may be deemed necessary for the protection of the surface of the land, its resources and any other lessees of the lands.

§ 203.7 Lease bond.

Prior to the issuance of the lease and as a condition therefor, the successful bidder must furnish a corporate surety bond in an amount to be set forth in the invitation to bid. The right is reserved to require an increase of the amount of the bond before or after the issuance of the lease when deemed proper by the authorized officer.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

NOVEMBER 13, 1961.

[F.R. Doc. 61–10976; Filed, Nov. 17, 1961; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 602]

[Airspace Docket No. 61–WA–201]

JET ROUTES

Proposed Alteration

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 602.100 of the regulations of the Administrator, the substance of which is stated below.

Jet Route No. 35 extends in part from the St. Louis, Mo., VORTAC to the Naperville, Ill., VOR. The Federal Aviation Agency has under consideration the alteration and extension of this jet route by realigning and extending it from the St. Louis VORTAC via the Springfield, Ill., VOR; the intersection of the Springfield VOR 036° and the Joliet, Ill., VORTAC 204° True radials; the Joliet VORTAC; to the Northbrook, Ill., VORTAC. This realignment of J–35 would overlie intermediate altitude VOR Federal airway No. 1527 from St. Louis to Joliet and would simplify transitions between the low and intermediate altitude structures and the jet route structure.

The designation of J–35 from the Joliet VORTAC to the Northbrook VORTAC would also permit elimination of the Naperville VOR from the jet route structure and would facilitate better frequency assignment to other VOR facilities.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Utilization Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C–226, 1711 New York Avenue NW., Washington 25, D.C.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 14, 1961.

CHARLES W. CARMODY,
Chief, Airspace Utilization Division.

[F.R. Doc. 61–10967; Filed, Nov. 17, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 959]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Notice of Proposed Expenses and Rate of Assessment

Notice is hereby given that the Secretary of Agriculture is considering the approval of the Expenses and Rate of Assessment, hereinafter set forth, which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and all counties in Oregon, except Malheur County. This is a regulatory program issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 959.214 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, and this part, both as amended, to enable such committee to perform its functions under provisions of the amended marketing agreement and order during the fiscal period beginning July 1, 1961, and ending June 30, 1962, will amount to $20,650.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 114, and this part, both as amended, shall be three-eighths of one cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in said marketing agreement and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1961.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 61–10999; Filed, Nov. 17, 1961; 8:49 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Part 903]

[Docket No. AO–10–A–26]

MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

Notice of Hearing on Proposed Amendment to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Forest Park Hotel, 4910 West Pine Boulevard, St. Louis, Missouri, beginning at 10:00 a.m., local time, on November 28, 1961, with respect to proposed amendment to the tentative marketing agreement and to the order, regulating the handling of milk in the St. Louis, Missouri marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendment, set forth below, has not received the approval of the Secretary of Agriculture.

Proposed by the Producers Creamery Company and Sanitary Milk Producers:

Proposal No. 1. Amend § 903.10(b) by deleting "50 percent" wherever it appears and substituting in lieu thereof "20 percent".

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Fred L. Shipley, 2710 Hampton Avenue, St. Louis 39, Missouri, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Signed at Washington, D.C. on November 14, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–11002; Filed, Nov. 17, 1961; 8:49 a.m.]

[7 CFR Part 921]

HANDLING OF MILK IN OZARKS MARKETING AREA

Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension, for the month of December 1961, of certain provisions of the order regulating the handling of milk in the Ozarks marketing area is being considered.

The provision proposed to be suspended is: In § 921.11(b) the figure "40" for the month of December.

All persons desiring to submit data, views, and arguments with respect to the foregoing proposed suspension may do so by forwarding four copies thereof postmarked not later than three days after publication of this notice in the FEDERAL REGISTER, to the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C.

Signed at Washington, D.C., on November 14, 1961.

ROBERT G. LEWIS,
Deputy Administrator, Price and Production, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61–11001; Filed, Nov. 17, 1961; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

SULFUR DIOXIDE AND SODIUM METABISULFITE USED IN FUMIGATION OF STORED GRAINS

Notice of Proposal to Amend Exemption From Requirement of Tolerances

On July 22, 1960, a proposal was published in the FEDERAL REGISTER (25 F.R. 6987) with reference to exempting sulfur dioxide and sodium metabisulfite from the requirement of a tolerance when used in the treatment of barley, buckwheat, corn, oats, popcorn, rice, rye, sorghum (milo), and wheat. This exemption was proposed to provide formal clearance for residues from the use of sulfur dioxide in low concentrations as a marker to protect operators or as a fire retardant when used along with other liquid grain fumigants such as carbon bisulfide, carbon tetrachloride, and ethylene dichloride in the fumigation of these grains. A second purpose of the proposed regulation was to cover residues from the use of sodium metabisulfite as a fungicide during storage of high-moisture corn grain and grain sorghum (milo).

Sulfur dioxide and sodium metabisulfite have been generally recognized as safe for preservation of foods except for meats and other foods that are sources of vitamin B_1. Evidence presented by a proponent of sodium metabisulfite use on corn grain and grain sorghum indicated that vitamin B_1 in corn was not affected by treatment with sodium metabisulfite.

On September 8, 1960, no objections having been filed, an order was published (25 F.R. 8636) establishing the exemptions proposed on July 22. The order provided that any person who would be adversely affected by the order might at any time prior to the thirtieth day after publication file objections and request a public hearing. Within the time limit specified, the Millers' National Federation filed objections to the order on the basis that treatment with sodium metabisulfite would have a deleterious effect on the quality of high-gluten grains such as wheat and rye and render the flour milled from these treated grains unsuitable for baking. The Federation asked that the regulation be modified to exclude sodium metabisulfite treatment of grains other than corn and milo. Later communication from the Federation shows that they do not question the suitability nor oppose the use of sulfur dioxide as an ingredient of liquid grain-fumigant formulations at concentrations not exceeding 5 percent.

The American Corn Millers Federation has recently reported studies which showed more than 50 percent destruction of vitamin B_1 in high-moisture corn treated with sodium metabisulfite. They also reported heating and development of off-odors and off-flavors in the treated corn.

On the basis of evidence of the effects on high-gluten grains from treatment with sodium metabisulfite and on the basis of evidence of destruction of vitamin B_1 in high-moisture corn treated with this chemical, it appears that such treatment of wheat, rye, corn, and other grains would not be without hazard to the health of consumers. Accordingly, it is proposed:

1. That the exemption with respect to the use of sodium metabisulfite on stored grains be revoked; and

2. That the exemption with respect to the use of sulfur dioxide on grains be limited by amending § 120.180 (21 CFR 120.180) to read as follows:

§ 120.180 Exemption from the requirement of a tolerance for residues of sulfur dioxide from use in fumigants for stored grains.

Residues from the use of sulfur dioxide in liquid grain-fumigant formulations for marker or fire-retardant purposes at levels not exceeding 5 percent by weight of such formulations are exempted from the requirement of a tolerance in or on barley, buckwheat, corn, oats, popcorn, rice, rye, grain sorghum (milo), wheat.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing sulfur dioxide or sodium metabisulfite may request, within 30 days from the date of publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to

an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: November 13, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-10981; Filed, Nov. 17, 1961; 8:47 a.m.]

[21 CFR Part 130]

ANTHELMINTICS CONTAINING PIPERAZINE PREPARATIONS

Notice of Filing of Petition To Exempt From Prescription-Dispensing Requirements of the Federal Food, Drug, and Cosmetic Act

The Commissioner of Food and Drugs has under consideration a new-drug application filed by The Hope Company, Clayton, Missouri, for an anthelmintic preparation containing piperazine. The company has petitioned that the drug not be limited to prescription sale. Some piperazine-containing drugs are now limited to prescription sale by effective new-drug applications.

Under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e)), and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the following proposal, based upon the petition filed by The Hope Company, is published:

It is proposed to amend § 130.102(a) by adding thereto the following new subparagraph (27):

§ 130.102 Exemption for certain drugs limited by new-drug applications to prescription sale.

(a) * * *

(27) Piperazine preparations meeting all the following conditions:

(i) The piperazine is in the form of the citrate, gluconate, hexahydrate, phosphate, or tartrate salt and is prepared in syrup, tablet, or other dosage form suitable for oral use in self-medication.

(ii) The piperazine salt meets its professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505(b) of the act is effective for it.

(iv) The preparation contains an amount of piperazine salt equivalent to not more than 0.5 gram of piperazine hexahydrate per dosage unit; or if it is in liquid form, an amount of piperazine salt equivalent to not more than 0.1 gram of piperazine hexahydrate per milliliter.

(v) The preparation is labeled with adequate directions for use in the treatment of pinworms and roundworms in adults and children over 2 years of age and weighing over 30 pounds.

(vi) The dosages recommended or suggested in the directions for use are as follows:

(*a*) *For the treatment of pinworms:* In children weighing 30 to 60 pounds an amount of piperazine salt, to be administered once daily for 7 consecutive days, equivalent to 1.0 gram piperazine hexahydrate per dose; in adults and children weighing over 60 pounds, an amount of piperazine salt, to be administered once daily for 7 consecutive days, equivalent to 2.0 grams of piperazine hexahydrate per dose.

(*b*) *For the treatment of roundworms:* In children weighing 30 to 50 pounds, an amount of piperazine salt, to be administered once daily for 2 consecutive days, equivalent to 2.0 grams of piperazine hexahydrate per dose; in children weighing 50 to 100 pounds, an amount of piperazine salt, to be administered once daily for 2 consecutive days, equivalent to 3.0 grams of piperazine hexahydrate per dose; in adults and children weighing over 100 pounds, an amount of piperazine salt, to be administered once daily for 2 consecutive days, equivalent to 3.5 grams of piperazine hexahydrate per dose.

(vii) The label bears a conspicuous warning to keep out of the reach of children, and the labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Exceeding the recommended dosage.

(*b*) Use if nausea, vomiting, dizziness, blurring of vision, abdominal pain, or diarrhea develops.

(*c*) Use in presence of kidney disorders.

(*d*) Administration to children under 2 years of age or in children weighing less than 30 pounds, except as directed by a physician.

The Commissioner hereby offers an opportunity to all interested persons to submit views and comments in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: November 13, 1961.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 61-10982; Filed, Nov. 17, 1961; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

[Public Notice 201]

ARCHEOLOGICAL AND RELATED RESEARCH

Availability of Funds

Notice is hereby given that Public Law 87–332, Supplemental Appropriations Act of 1962, appropriates 4 million dollars for the purchase of Egyptian pounds for the purposes authorized by section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704). Of this, the equivalent of 1.5 million dollars is available for grants to American institutions undertaking archeological and related research in those areas of the United Arab Republic and the Republic of the Sudan which are threatened with inundation by the backwaters of the Aswan High Dam. The grants will be made in local currencies (Egyptian or Sudanese pounds) accruing to the United States under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704). Application for grants may be made to: Secretariat, U.S. National Commission for UNESCO, Department of State, Washington 25, D.C.

Dated: November 8, 1961.

WILLIAM J. CROCKETT,
Assistant Secretary for Administration.

[F.R. Doc. 61–11011; Filed, Nov. 17, 1961; 8:50 a.m.]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 61–48]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vesels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75–1 to 2.75–50, inclusive. For certain types of equipment, installations, and materials, specific specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ–10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted during the period from October 3, 1961, through October 6, 1961. These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167–14, dated November 26, 1954 (19 F.R. 8026), 167–15, dated January 3, 1955 (20 F.R. 840), 167–20, dated June 18, 1956 (21 F.R. 4894), CGFR 56–28, dated July 24, 1956 (21 F.R. 5659), or 167–38, dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the date granted, unless sooner canceled or suspended by proper authority.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS, OR MATERIALS

LIFEBOATS

Approval No. 160.035/178/4, 16.0 x 5.5' x 2.38' steel, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement drawing No. 16–1, dated January 13, 1947, and revised September 10, 1961 (if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant), manufactured by Marine Safety Equipment Corp., Point Pleasant Beach, New Jersey, effective October 6, 1961. (It reinstates and supersedes Approval No. 160.035/178/3, terminated May 15, 1961, and published in the FEDERAL REGISTER August 16, 1961.)

Approval No. 160.035/331/1, 24.0' x 8.0' x 3.25' steel, hand-propelled T-bar keel lifeboat, 40-person capacity, identified by general arrangement dwg. No. G–2440–H dated November 1954 and revised August 18, 1961, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, New York, effective October 4, 1961. (It reinstates and supersedes Approval No. 160.035/331/0 terminated April 1, 1960, and published in the FEDERAL REGISTER March 16, 1960.)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/375/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Aimcee Wholesale Corporation, 1440 Broadway, New York 18, New York, effective October 4, 1961. (It supersedes Approval No. 160.047/375/0 dated January 13, 1961, to show change of name and address of manufacturer.)

Approval No. 160.047/376/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Aimcee Wholesale Corporation, 1440 Broadway, New York 18, New York, effective October 4, 1961. (It supersedes Approval No. 160.047/376/0 dated January 13, 1961, to show change of name and address of manufacturer.)

Approval No. 160.047/377/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for Aimcee Wholesale Corporation, 1440 Broadway, New York 18, New York, effective October 4, 1961. (It supersedes Approval No. 160.047/377/0 dated January 13, 1961, to show change of name and address of manufacturer.)

Approval No. 160.047/457/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Firestone Tire & Rubber Co., Akron 17, Ohio, effective October 5, 1961. (It supersedes Approval No. 160.047/457/0 dated September 23, 1960, to show

change of name and address of manufacturer.)

Approval No. 160.047/458/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Firestone Tire & Rubber Co., Akron 17, Ohio, effective October 5, 1961. (It supersedes Approval No. 160.047/458/0 dated September 23, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/459/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Firestone Tire & Rubber Co., Akron 17, Ohio, effective October 5, 1961, (It supersedes Approval No. 160.047/459/0 dated September 23, 1960, to show change of name and address of manufacturer.)

Approval No. 160.047/499/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Bowman Products Company, 850 East 72d Street, Cleveland 3, Ohio, effective October 3, 1961. (It supersedes Approval No. 160.047/499/0 dated January 27, 1961, to show change of name and address of manufacturer.)

Approval No. 160.047/500/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Bowman Products Company, 850 East 72d Street, Cleveland 3, Ohio, effective October 3, 1961. (It supersedes Approval No. 160.047/500/0 dated January 27, 1961, to show change of name and address of manufacturer.)

Approval No. 160.047/501/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Brunswick Corp., Brunswick Sports Division, Eminence, Ky., for The Bowman Products Company, 850 East 72d Street, Cleveland 3, Ohio, effective October 3, 1961. (It supersedes Approval No. 160.047/501/0 dated January 27, 1961, to show change of name and address of manufacturer.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/147/0, Type II, Model M–399, adult unicellular plastic foam buoyant vest, The Peoples Co. dwg. 10761–P (sheets 1 to 4), dated March 3, 1961, and Bill of Material PECO dated July 13, 1961, manufactured by The Peoples Co., 712 Buffington Street, Huntington 2, W. Va., for St. Croix Corporation, Park Falls, Wisconsin, effective October 3, 1961.

Approval No. 160.052/148/0, Type II, Model M–398, child, medium, unicellular plastic foam buoyant vest, The Peoples Co. dwg. 10761–P (sheets 1 to 4), dated March 3, 1961, and Bill of Material PECO dated July 13, 1961, manufactured by The Peoples Co., 712 Buffington Street, Huntington 2, W. Va., for St. Croix Corporation, Park Falls, Wisconsin, effective October 3, 1961.

Approval No. 160.052/149/0, Type II, Model M–397, child, small unicellular plastic foam buoyant vest, The Peoples Co. dwg. 10761–P (sheets 1 to 4), dated March 3, 1961, and Bill of Material PECO dated July 13, 1961, manufactured by The Peoples Co., 712 Buffington Street, Huntington 2, W. Va., for St. Croix Corporation, Park Falls, Wisconsin, effective October 3, 1961.

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/199/0, Casco Model No. 2–¾, 2¾-lb. dry-chemical stored pressure type hand portable fire extinguisher, assembly dwg. No. 400000 dated March 18, 1960, name plate dwg. No. 400183 dated August 25, 1961 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Casco Products Corp., Bridgeport 2, Connecticut, effective October 4, 1961.

Dated: November 13, 1961.

[SEAL] J. A. HIRSHFIELD,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 61–10992; Filed, Nov. 17, 1961; 8:48 a.m.]

POST OFFICE DEPARTMENT

JUDICIAL OFFICER

Delegation of Authority

The following are excerpts from Headquarters Circular 61–45, dated November 13, 1961, which revised and brought up to date the authority of the Judicial Officer:

DELEGATION OF AUTHORITY

A. *Duties of the Judicial Officer.* 1. Pursuant to the authority of section 309 of Title 39, United States Code, and Public Law 86–676, approved July 14, 1960 (74 Stat. 554) the Judicial Officer shall have:

a. Authority to execute in his own name, the final decision and order in proceedings authorized by sections 4001, 4003, 4004, 4005, 4006, 4007, 4057, 4351, and 4352 of Title 39, United States Code, and the Rules of Practice and Procedures of the Post Office Department.

b. Authority to modify, suspend or rescind any action heretofore taken (including any order issued) or which hereafter may be taken by the Judicial Officer pursuant to the powers, functions, authority and duties conferred upon the Postmaster General by the sections of Title 39, United States Code, set forth in paragraph 1a above.

c. Authority to preside at the reception of evidence in proceedings where expedited hearings are requested by either party or are provided in Rules of Practice. When the Judicial Officer presides at the reception of evidence he may issue a tentative decision.

d. Authority to revise or amend the Post Office Department Rules of Practice governing proceedings conducted under the Administrative Procedure Act (5 U.S. Code 1001–1011).

e. Authority to delegate authority to and name an Acting Judicial Officer in his absence.

f. Such other authority as the Postmaster General shall delegate to him.

2. Decisions and orders of the Judicial Officer made under the authority of this Circular shall be the final departmental decision and order except that the Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision.

B. *Hearing Examiners.* Exercises jurisdiction over the Hearing Examiners for administrative purposes only, but does not direct or participate in the initial decisions of Hearing Examiners in any proceeding.

Paragraphs I through IV of Headquarters Circular 87, as published in 23 F.R. 2817, are hereby superseded.

(R. S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 74 Stat. 554 (Public Law 86–676))

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–10983; Filed, Nov. 17, 1961; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

FORT BELKNAP INDIAN RESERVATION, MONTANA

Ordinance Legalizing the Introduction, Sale or Possession of Intoxicants

Pursuant to the act of August 15, 1953 (Public Law 277, 83d Congress, 1st session), I certify that the following ordinance relating to the application of Federal Indian liquor laws on the Fort Belknap Indian Reservation, located in the State of Montana was duly adopted by the Fort Belknap Community Council which has jurisdiction over the Area of Indian country included in the Ordinance:

Whereas, Fort Belknap Ordinance No. 65 relating to the application of the Federal Indian liquor laws on the Fort Belknap Reservation permitted the introduction and possession of intoxicating beverages on the reservation but did not permit the sale of the same, and

Whereas, it is considered to be the best interest of the Fort Belknap Indian Community to modify Ordinance No. 65 to permit the sale of packaged beer on the reservation under prescribed conditions.

Now, therefore, be it duly resolved and ordained, that the sale of packaged beer shall be lawful within the Indian country under the jurisdiction of the Fort Belknap Indian Community: *Provided,* That such sale is in accordance with the laws of the State of Montana; that such sale is pursuant to licenses issued by the Fort Belknap Community Council in a number not exceeding one for each of the three districts (Milk River, Hays and Lodge Pole); that the licensee pay an annual license fee of $25.00 to the Fort

Belknap Indian Community, and that such licenses be issued only for grocery stores owned and operated by Fort Belknap Tribal members, and

Be it further resolved and ordained, that Fort Belknap Ordinance No. 65 shall be amended in accordance herewith upon certification of this ordinance by the Secretary of the Interior and its publication in the FEDERAL REGISTER.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

NOVEMBER 13, 1961.

[F.R. Doc. 61-10977; Filed, Nov. 17, 1961; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOUTH CAROLINA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321(a) of Public Law 87-128 (7 U.S.C. 1961) it has been determined that in the following counties in the State of South Carolina production disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH CAROLINA

Aiken.	Richland.
Cherokee.	Saluda.
Edgefield.	Spartanburg.
Lexington.	York.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 14th day of November, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-10980; Filed, Nov. 17, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-72]

UNIVERSITY OF UTAH

Notice of Issuance of Construction Permit

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on October 27, 1961, 26 F.R. 10103, the Atomic Energy Commission has issued Construction Permit No. CPRR-67 authorizing University of Utah to relocate its reactor Model AGN-201, Serial No. 107 in the Merrill Engineering Building on the University's campus in Salt Lake City, Utah.

Dated at Germantown, Md., this 14th day of November 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-10964; Filed, Nov. 17, 1961; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

FREDERICK M. MAYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of November 3, 1961.

FREDERICK M. MAYER.

November 3, 1961.

[F.R. Doc. 61-10990; Filed, Nov. 17, 1961; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13780; FCC 61M-1780]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Scheduling Prehearing Conference

In the matter of American Telephone and Telegraph Company, Docket No. 13780; regulations and charges for special arrangements provided as part of the communications system used in the Ballistic Missile Early Warning System (BMEWS) and regulations and charges for switching and signaling arrangements provided as part of the Command Post Alerting Network (COPAN).

It is ordered, This 13th day of November 1961, that a prehearing conference in this proceeding will be held on January 18, 1962, 10:00 a.m., in the Offices of the Commission, Washington, D.C.

Released: November 14, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11004; Filed, Nov. 17, 1961; 8:50 a.m.]

[Docket No. 14354; FCC 61M-1735]

NEIL N. LEVITT

Order Scheduling Hearing

In re application of Neil N. Levitt, Roswell, New Mexico, Docket No. 14354, File No. BP-13811; for construction permit.

It is ordered, This 3d day of November 1961, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on January 9, 1962, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Tuesday, December 12, 1961.

Released: November 6, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11005; Filed, Nov. 17, 1961; 8:50 a.m.]

[Docket Nos. 14367-14372; FCC 61-1336]

VETERANS BROADCASTING CO., INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Veterans Broadcasting Company, Inc., Syracuse, New York, Docket No. 14367, File No. BPCT-2912; Syracuse Television, Inc., Syracuse, New York, Docket No. 14368, File No. BPCT-2924; W.R.G. Baker Radio and Television Corporation, Syracuse, New York, Docket No. 14369, File No. BPCT-2930; Onondaga Broadcasting, Inc., Syracuse, New York, Docket No. 14370, File No. BPCT-2931; WAGE, Inc., Syracuse, New York, Docket No. 14371, File No. BPCT-2932; Syracuse Civic Television Association, Inc., Syracuse, New York, Docket No. 14372, File No. BPCT-2933; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 8th day of November 1961.

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9 assigned to Syracuse, New York; and

It appearing that the above-captioned applications are mutually exclusive in that operation by all the applicants, as proposed, would result in mutually destructive interference and that, therefore, a hearing is necessary in order to determine on a comparative basis, which of the above-captioned applications would better serve the public interest, convenience and necessity; and

It further appearing, that there are also pending applications by Ivy Broadcasting Company, Inc. (BPCT-2949), Six Nations Television Corp. (BPCT-2957), Salt City Broadcasting Corp. (BPCT-2958) and George P. Holling-

bery (BPCT-2968), which also request construction permits for new television broadcast stations to operate on Channel 9 in Syracuse, New York; that these applications are mutually exclusive with the above-captioned applications; that inasmuch as these applications have not been on file for thirty days since public notice of acceptance for filing, the applications will not be designated for hearing at this time but will be consolidated after such time as the thirty day period will have run; and that all other applications which were filed before 5:00 p.m., November 7, 1961 and are entitled to comparative consideration with the above-captioned applications, will also be consolidated in the instant hearing in a subsequent order; and

It further appearing, that Syracuse Television, Inc., and Syracuse Civic Television Association, Inc., each propose main studios outside the city limits of Syracuse, New York; that each has requested a waiver of § 3.613(a) of the Commission's rules for authority so to locate their main studios; and that the Commission finds that the applicants have shown that good cause exists for grant of the requested waivers; and that, therefore, no issue with respect to the main studios is proposed; and

It further appearing, that WAGE, Inc. proposes facilities which appear to contravene the provisions of the Working Arrangement for Allocation of VHF Television Broadcast Stations Under the Canadian-U.S.A. Television Agreement of 1952; that, therefore, it is necessary to refer this proposal to the Canadian Government for its comments; and

It further appearing, that the following matters are to be considered in connection with the issues specified below:

(a) The proposal of Veterans Broadcasting Company, Inc. (BPCT-2912)

1. It appears that cash in the approximate amount of $1,232,900 will be required for construction and initial operation of the proposed station and for liquidation of net current liabilities. Veterans Broadcasting Company, Inc., proposes to finance its proposal by means of existing capital of $85,000, a bank loan of $900,000 and profits from existing operations of $100,000. However, current liabilities exceed current assets by approximately $136,476 and it appears that the applicant has additional commitments in the approximate amount of $484,000 in connection with the acquisition of WROC-TV. Therefore, a question arises as to whether profits will be available as a source of funds for the subject proposal. Consequently, it can not be determined that Veterans Broadcasting Company, Inc., is financially qualified to construct and operate the proposed television broadcast station.

2. The applicant is the licensee of Station WROC-TV, Channel 5, Rochester, New York. In the event of a grant of the subject application the proposed Grade B contour would overlap the WROC-TV Grade A contour by approximately 20 miles and the WROC-TV Grade B contour by approximately 38 miles. Under such circumstances, it appears appropriate to consider the size, extent, and location of the areas served and to be served; the extent of the overlap involved; the number of persons served; the number of persons residing within the overlap area; the extent of other competitive service to the areas in question; the extent to which the stations will rely on the same revenue and program sources; the nature of the programming that the stations will present with particular reference to the particular needs of the communities they are designed to serve; the advertising practices of the stations; the source of program material and talent for each station; and such other factors as will tend to demonstrate that the overlap involved will or will not be in contravention of § 3.636(a)(1) of the Commission's rules.

(b) The proposal of W.R.G. Baker Radio and Television Corp. (BPCT-2930)

1. The maximum antenna gain utilized by the applicant in computing the maximum effective radiated power does not agree with the manufacturer's data included with the application.

2. The efficiency for the type and length of transmission line given in the application does not agree with the information on file with the Commission by the manufacturer.

3. Because of (1) and (2) above, operation of the transmitter at the operating power specified would result in a maximum effective radiated power in excess of that permitted by § 3.614(b) of the Commission's rules.

4. No determination has yet been made by the FAA as to whether the proposed antenna system and site would constitute a menace to air navigation.

(c) The proposal of Onondaga Broadcasting, Inc. (BPCT-2931)

1. The vertical dimension specified for the proposed antenna does not correspond with the manufacturer's information filed with the Commission. Accordingly, it is necessary to determine the correct vertical dimension of the proposed antenna, the antenna height above average terrain and the height of the supporting tower above ground level.

2. No determination has yet been made by the FAA as to whether the proposed antenna system and site would constitute a menace to air navigation.

(d) The proposal of Syracuse Civic Television Association, Inc. (BPCT-2933)

1. Based on information contained in the application, cash in the approximate amount of $657,500 will be required for downpayment on equipment, construction, miscellaneous costs, and for initial working capital. The costs are to be financed by stock subscriptions from 73 stockholders in the amount of $821,000. It appears that only twelve (12) of the subscribers to 50 or more shares have shown current and liquid assets in excess of liabilities sufficient to meet their commitments in the amount of $383,000. It cannot, therefore, be determined that the applicant is financially qualified.

2. No determination has yet been made by the FAA as to whether the proposed antenna system and site would constitute a menace to air navigation.

It further appearing that upon due consideration of the above-captioned applications, the Commission finds that Veterans Broadcasting Company, Inc., is legally and technically qualified to construct, own and operate the proposed television broadcast station, and is otherwise qualified except with respect to issues "1" and "2" specified below; that Syracuse Television Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that W. R. G. Baker Radio and Television Corporation is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except with respect to issues "3" and "5" below; that Onondaga Broadcasting, Inc., is legally and financially qualified to construct, own and operate the proposed television broadcast station and is technically so qualified except with respect to issues "4" and "5" below; that WAGE, Inc., is legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast station; that Syracuse Civic Television Association, Inc., is legally qualified to construct, own and operate the proposed television broadcast station and is technically and otherwise qualified except with respect to issues "1" and "5" below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

(1) To determine whether Veterans Broadcasting Company, Inc., and Syracuse Civic Television Association, Inc., are financially qualified to construct, own and operate the proposed television broadcast stations.

(2) To determine in view of Veterans Broadcasting Company's, Inc., ownership of Station WROC-TV in Rochester, whether a grant of the application would contravene the provisions of § 3.636(a)(1) of the Commission's rules.

(3) To determine the maximum antenna gain and the length and efficiency of the transmission line specified by W. R. G. Baker Radio and Television Corp., and whether the proposed operation would comply with the requirements of § 3.614(b) of the Commission's rules.

(4) To determine the correct vertical dimension of the antenna proposed by Onondaga Broadcasting, Inc., the antenna height above terrain, and the height of the supporting tower above ground.

(5) To determine whether the antenna systems and sites proposed by Syracuse Civic Television Association, Inc., W. R. G. Baker Radio and Television Corp. and Onondaga Broadcasting, Inc., would constitute menaces to air navigation.

(6) To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the

significant differences between the applicants as to:

(a) The background and experience of each bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast stations.

(c) The programming service proposed in each of the above-captioned applications.

(7) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence in the issues specified in this order.

It is further ordered, That the provisions of section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.632(b) of the Commission's rules with respect to the notice of hearing shall be suspended until such time as the Commission issues a subsequent order consolidating all parties and specifying all issues.

Released: November 15, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-11006; Filed, Nov. 17, 1961; 8:50 a.m.]

[List 27; FCC 61-1333]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

NOVEMBER 14, 1961.

Notice is hereby given, pursuant to § 1.354(c) of the Commission rules, that on December 20, 1961, the standard broadcast applications listed in the Appendix below will be considered as ready and available for processing, and that pursuant to §§ 1.106(b)(1) and 1.361(c) of the Commission rules, an application, in order to be considered with any application appearing on the list below or with any other application on file by the close of business on December 19, 1961 which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on December 19, 1961 or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.359(f) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: November 8, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

APPENDIX

Applications From the Top of the Processing Line

BP-6315 New, Greenwich, Conn.
Greenwich Broadcasting Corp.
Req: 1490 kc, 250 w, U.

BP-10295 KAFY, Bakersfield, Calif.
Tullis and Hearne.
Has: 550 kc, 1 kw, DA-1, U.
Req: 550 kc, 1 kw, DA-N, U.

BP-12056 KWJJ, Portland, Oreg.
Rodney F. Johnson.
Has: 1080 kc, 10 kw, DA-2, U.
Req: 1080 kc, 10 kw, 50 kw-LS, DA-2, U.

BP-12314 New, Garden City, Mich.
Livonia Broadcasting Co.
Req: 1090 kc, 250 w, DA-1, U.

BP-12563 New, Mayaguez, P.R.
WPRA, Inc.
Req: 990 kc, 1 kw, U.

BP-14018 New, Edina, Minn.
Edina Corp.
Req: 1080 kc, 10 kw, DA-1, U.

BP-14225 WGEM, Quincy, Ill.
Quincy Broadcasting Co.
Has: 1440 kc, 1 kw, DA-2, U.
Req: 1440 kc, 1 kw, 5 kw-LS, DA-2, U.

BP-14250 New, Tucson, Ariz.
Maryvale Broadcasting Co.
Req: 1090 kc, 500 w, DA-1, U.

BP-14381 WHHM, Memphis, Tenn.
Thomas W. Shipp.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-14382 KTW, Seattle, Wash.
The First Presbyterian Church of Seattle.
Has Lic: 1250 kc, 1 kw, Day, S-KWSC.
Has CP: 1250 kc, 1 kw, 5 kw-LS, U. S-KWSC.
Req: 1250 kc, 5 kw, U, S-KWSC.

BP-14388 KSPT, Sandpoint, Idaho.
Bauer Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14389 New, Maple Shade, N.J.
Charles Shapiro.
Req: 1510 kc, 500 w, DA, Day.

BP-14393 WEXL, Royal Oak, Mich.
Sparks Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, DA-D, U.

BP-14394 KYVA, Gallup, N. Mex.
Radio Station KYVA.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14396 WLEW, Bad Axe, Mich.
Thumb Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, DA-D, U.

BP-14399 KGRO, Gresham, Oreg.
Gresham Broadcasting Co.
Has: 1230 kc, 100 w, 250 w-LS, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-14400 WVEC, Hampton, Va.
Peninsula Radio Corp.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14402 New, Waynesboro, Va.
Jesse J. Goodman.
Req: 1600 kc, 5 kw, Day.

BP-14403 New, Myrtle Beach, S.C.
Grand Strand Broadcasting Co.
Req: 950 kc, 500 w, DA, Day.

BP-14404 New, Buena Vista, Va.
Jesse J. Goodman.
Req: 1590 kc, 1 kw, Day.

BP-14406 New, La Mesa, Calif.
Helix Broadcasting Co.
Req: 1520 kc, 500 w, 1 kw-LS, DA-2, U.

BP-14407 WTCM, Traverse City, Mich.
Midwestern Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-14408 New, Belpre, Ohio.
Tri-City Broadcasting Co.
Req: 910 kc, 1 kw, Day.

BP-14409 WEZY, Cocoa, Fla.
WEZY, Inc.
Has: 1350 kc, 1 kw, 500 w-LS, DA-N, U.
Req: 1350 kc, 1 kw, DA-N, U.

BP-14410 New, Austell, Ga.
Five Cities Broadcasting Co., Inc.
Req: 1520 kc, 1 kw, 500 w (CH), Day.

BP-14412 KOVC, Valley City, N. Dak.
KOVC, Inc.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-14417 New, Fayetteville, N.C.
Fran-Mack Broadcasting Co., Inc.
Req: 1450 kc, 250 w, U.

BP-14418 New Pittsburg, Tex.
Center Broadcasting Co., Inc.
Req: 1510 kc, 1 kw, 500 w (CH), Day.

BP-14419 New, Columbus, Nebr.
The City and Farm Broadcasting Inc.
Req: 1510 kc, 500 w, Day.

BP-14421 New, Paragould, Ark.
Greene County Broadcasting Co.
Req: 1440 kc, 500 w, Day.

BP-14423 KRUS, Ruston, La.
Ruston Broadcasting Co.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 500 w-LS, U.

BP-14425 New: Milton-Freewater, Oreg.
Myron J. Kilburg.
Req: 1370 kc, 500 w, Day.

BP-14427 New, Camden, Ark.
Camden Community Broadcasters.
Req: 1420 kc, 1 kw, Day.

BP-14434 New, Tullahoma, Tenn.
Queen City Radio Station.
Req: 1540 kc, 500 w, Day.

BP-14435 WMBH, Joplin, Mo.
Radio Joplin, Inc.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-14442 New, San Antonio, Tex.
D & E Broadcasting Co.
Req: 1540 kc, 1 kw, Day.

BP-14443 WFPG, Atlantic City, N.J.
Eastern Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-14451 KIJV, Huron, S. Dak.
James Valley Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP–14453 New, Hinton, W. Va.
David B. Jordan.
Req: 1380 kc, 1 kw, Day.

BP–14458 New, Lewiston Orchards, Idaho.
Robert O. Edwards.
Req: 1480 kc, 1 kw, Day.

BP–14459 WTHE, Spartanburg, S.C.
Spartanburg Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw–LS, U.

BP–14460 New, Clarkston, Wash.
Clarkston Broadcasters.
Req: 1480 kc, 1 kw, Day.

BP–14461 New, Spring Valley, N.Y.
Rockland Radio Corp.
Req: 1300 kc, 500 w, DA, Day.

BP–14462 New, Spring Valley, N.Y.
Rockland Broadcasters, Inc.
Req: 1300 kc, 1 kw, DA, Day.

BP–14463 WJEF, Grand Rapids, Mich.
Amalgamated Properties, Inc.
Has: 1230 kc, 250 w, 500 w–LS, U.
Req: 1230 kc, 250 w, 1 kw–LS, U.

BP–14469 WJLK, Asbury Park, N.J.
Asbury Park Press, Inc.
Has: 1310 kc, 250 w, U.
Req: 1310 kc, 250 w, 1 kw–LS, DA–D, U.

BP–14470 WATN, Watertown, N.Y.
Watertown Broadcasting Corp.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw–LS, U.

BP–14472 New, Spring Valley, N.Y.
R–C Broadcasting Co.
Req: 1300 kc, 1 kw, DA, Day.

BP–14475 New, Buffalo, Minn.
Wright County Broadcasting Co.
Req: 1360 kc, 500 w, Day.

BP–14476 WHPB, Belton, S.C.
Community Broadcasting Co., Inc.
Has: 1390 kc, 500 w, Day.
Req: 1390 kc, 1 kw, Day.

Application Deleted From Public Notice of March 24, 1961

(FCC 61–386) (26 F.R. 2654)

BP–13495 WVLN, Olney, Ill.
Illinois Broadcasting Co.
Has: 740 kc, 250 w, Day.
Req: 740 kc, 5 kw, DA, Day.

(In pending file re inconsistency with United States-Canadian Bilateral Agreement re Daytime Skywave on Class I channels.)

Application Deleted From Public Notice of July 28, 1961

(FCC 61–973) (26 F.R. 6950)

BP–14156 New, Lincoln, Nebr.
Modern Air Communicative Electronics, Inc.
Req: 1530 kc, 1 kw, 500 w (CH), Day.
(Assigned new file number: BP–15075.)

[F.R. Doc. 61–11007; Filed, Nov. 17, 1961; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13161]

BRITISH WEST INDIAN AIRWAYS LIMITED

Notice of Prehearing Conference

In the matter of the application of British West Indian Airways Limited for amendment of its foreign air carrier permit by adding a new segment 4, reading: "Between the terminal point Antigua, W.I. and the terminal point, New York, N.Y."

Notice is hereby given that a prehearing conference on the above-entitled matter is assigned to be held on November 28, 1961, at 10 a.m., e.s.t., in Room 1029, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., November 15, 1961.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61–10991; Filed, Nov. 17, 1961; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–11024 etc.]

CONTINENTAL OIL CO. ET AL.

Notice Fixing Oral Argument

NOVEMBER 13, 1961.

Continental Oil Company, Docket No. G–11024; The Atlantic Refining Company, Docket No. G–11034; Cities Service Production Company, Docket Nos. G–11046, G–15330; Tidewater Oil Company, Docket No. G–11049.

The examiner's decision pursuant to the further proceeding on remand was issued August 14, 1961, and exceptions thereto were filed by various parties;

Take notice that oral argument will be heard by the Commission in this matter at 10:00 a.m., November 30, 1961, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. Parties desiring to present oral argument should notify the Secretary on or before November 22, 1961, of their intention to do so and the amount of time which they desire to be allotted to them for that purpose.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10968; Filed, Nov. 17, 1961; 8:45 a.m.]

[Docket No. CP62–32]

EASTERN SHORE NATURAL GAS CO.

Notice of Application and Date of Hearing

NOVEMBER 13, 1961.

Take notice that on August 11, 1961, Eastern Shore Natural Gas Company, 120 East Main Street, Salisbury, Maryland, filed an application in Docket No. CP62–32, as supplemented on September 7, 1961, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in order to deliver firm, interruptible, and excess natural gas to the City of Dover, Delaware, for use in Dover's new municipally owned power plant, all as more fully set forth in the application, as supplemented, on file with the Commission and open to public inspection.

Applicant proposes to deliver 100 Mcf of firm gas per day to Dover. Dover will use the firm gas for pilot and main flame stabilization.

Applicant will tap its present 6-inch gas transmission pipeline within the corporate limits of Dover, construct a 130-foot extension of 4-inch pipeline and install metering facilities at a total estimated cost of $16,855. The cost of construction will be financed from funds on hand.

The application shows Dover's total estimated maximum day and annual requirements to be 800 Mcf and 146,000 Mcf, respectively.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 14, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 4, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10969; Filed, Nov. 17, 1961; 8:45 a.m.]

[Docket No. CP61–45]

INDIANA NATURAL GAS CORP.

Notice of Application and Date of Hearing

NOVEMBER 9, 1961.

Indiana Natural Gas Corporation, an Indiana corporation (Applicant) having its principal place of business at 715 Indiana Building, Indianapolis, Indiana, filed on August 17, 1960, an application, and on December 5, 1960, a supplement thereto, pursuant to section 7(a) of the Natural Gas Act, for an order directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its transportation facilities with the facilities which Applicant proposes to construct and to sell and deliver to Applicant natural gas for resale to the public in the towns of Bloomfield and Worthington, Indiana, and their environs, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to build distribution systems in both the towns of Bloom-

field and Worthington, Indiana and 22,400 feet of 4-inch transmission line to transport natural gas from points of connection on Texas Gas' line to the distribution systems.

Applicant estimates its natural gas requirements for the two towns as follows:

Year:	Peak day	Annual
1	1,884	244,582
2	2,067	268,012
3	1,979	280,144

Applicant estimates the cost of construction during the first year will be $334,818 and will amount to $415,896 in the fifth year of operation. Applicant proposes to finance the construction by the sale of 6½ percent first mortgage bonds in the amount of $250,000 and 30,000 shares of no par common stock, the aggregate proceeds to be $400,000.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 20, 1961, at 10:00 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 7, 1961.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10970; Filed, Nov. 17, 1961; 8:45 a.m.]

[Docket No. E-6975]

DEPARTMENT OF THE INTERIOR, SOUTHWESTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

NOVEMBER 13, 1961.

Notice is hereby given that the Secretary of the Interior, on behalf of the Southwestern Power Administration (SWPA), has filed with the Federal Power Commission, for confirmation and approval, pursuant to Section 5 of the Flood Control Act of 1944 (58 Stat. 887), rates and charges for hydro peaking power service and seasonal peaking power service, all as set forth in the following proposed Rate Schedule P-2:

SCHEDULE OF WHOLESALE RATES FOR HYDRO PEAKING POWER SERVICE AND SEASONAL PEAKING POWER SERVICE

Effective. During the period from the date of approval by the Federal Power Commission to July 1, 1967, in accordance with the order issued by the Federal Power Commission on _____.

Available. In the area served by the Southwestern Power Administration (SPA).

Applicable. To wholesale power customers who, by contract, purchase hydro peaking power service and/or seasonal peaking power service.

Rates.

Demand charge. $14.40 per year per kilowatt of hydro and/or seasonal peaking power payalbe at the rate of $1.20 per month per kilowatt of peaking and/or seasonal power,

Energy charge. $0.002 per kilowatt-hour.

Character of service. Hydro and/or seasonal peaking power service will be delivered as three-phase alternating current, at approximately sixty cycles per second, at such point or points of delivery and at such voltages as are specified by contract.

Conditions of service. Delivery of hydro and/or seasonal peaking power service will be from, and at the voltage of, the 138 kv or the 161 kv transmission systems owned by or available to SPA, or at lower or intermediate voltages from substations directly connected to such transmission systems.

Adjustment in demand charge for reduction in service. In the event of one or more reductions in hydro and/or seasonal peaking power capacity scheduled during any month, each of which continues for two hours or more, due to the inability of SPA to supply such service by reason of an "Uncontrollable Force" as defined by contract, or by reason of the necessary installation, maintenance, repair, and replacement of equipment, the Demand Charge for such month shall be reduced for each such reduction in service by an amount equal to the product of the monthly Demand Charge times the number of kilowatts of reduction in hydro and/or seasonal peaking power times the number of hours of each such reduction, divided by 100: *Provided,* That the amount of such reduction in Demand Charge for any particular reduction shall not be greater than an amount equal to the monthly Demand Charge times the number of kilowatts of such reduction in hydro and/or seasonal peaking power; *Provided further,* That the total amount of any such reductions in Demand Charge for any month shall not be greater than an amount equal to the total Demand Charge for such month.

The Secretary reports that peaking power under the proposed schedule will be available to any customer who wishes to contract for this class of power from the 138-161 kv main grid transmission system owned by, or made available through contract to, SWPA. The Secretary requests that the Commission confirm and approve for a period from the date of such approval by the Commission until July 1, 1967, the rates and conditions of service contained in the proposed Rate Schedule P-2.

A prior request for Commission approval of rates and charges to certain Cooperatives as set forth in a Notice issued herein on January 16, 1961, has been withdrawn by the Secretary.

The proposed Rate Schedule P-2 is on file with the Commission for public inspection. Any person desiring to make comments or suggestions for Commission consideration with respect to the proposed Rate Schedule P-2 should submit the same in writing on or before December 4, 1961, to the Federal Power Commission, Washington 25, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10971; Filed, Nov. 17, 1961; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 15, 1961.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 37438: *Substituted service—Erie-Lackawanna for Bekins Van Lines, Co.* Filed by Household Goods Carriers' Bureau, Agent (No. 51), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars, between Chicago, Ill., and Jersey City, N.J., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 8 to Household Goods Carriers' Bureau tariff MF-I.C.C. 96.

FSA No. 37439: *Iron or steel plate or sheet from Portsmouth, Ohio, to Greenville, Miss.* Filed by O. W. South, Jr., Agent (No. A4140), for interested rail carriers. Rates on plate or sheet, iron or steel, noibn, galvanized, painted or plain, corrugated, or not corrugated, and strip steel, noibn, in carloads, from Portsmouth, Ohio, to Greenville, Miss.

Grounds for relief: Barge competition.

Tariff: Supplement 20 to Southern Freight Association tariff I.C.C. S-163.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-10986; Filed, Nov. 17, 1961; 8:48 a.m.]

[Notice 567]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 15, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking recon-

sideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64055. By order of November 9, 1961, the Transfer Board aproved the transfer to Pioneer Pacific Trucking, a corporation, Corona, Calif., of a portion Certificate No. MC 4723, and all of Certificate No. MC 4723 Sub 1, issued June 27, 1950, and June 21, 1950, respectively to Wm. F. McVeigh, doing business as Pioneer Transfer and Pacific Motor Express, Corona, Calif., authorizing the transportation of: Citrus fruits and manufactured products thereof, from Corona, Calif., to Long Beach Harbor and Los Angeles Harbor, Calif., and points within 40 miles of Corona; citrate of lime, citric acid, box shook, fertilizer, citrus packing house supplies, and aluminum chloride, from Los Angeles Harbor, Calif., to Corona, Calif., and lumber, lime, plaster, wallboard, sulphur, chalk, sulphuric acid and muriatic acid, from Los Angeles, Calif., to Corona, Calif., and general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Los Angeles, Calif., and Pauba Ranch, Calif., and other specified points in California. R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif., attorney for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61–10987; Filed, Nov. 17, 1961; 8:48 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 137]

PITTSBURGH & WEST VIRGINIA RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of Charles W. Taylor, Agent, The Pittsburgh & West Virginia Railway Company is unable to transport traffic routed over its line, because of land slide at Donora, Pennsylvania.

It is ordered, That:

(a) Rerouting traffic: The Pittsburgh & West Virginia Railway Company, and its connections, being unable to transport traffic in accordance with shippers' routing because of land slide at Donora, Pennsylvania, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier diverting or rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers' or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with the pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:00 a.m., November 9, 1961.

(g) Expiration date: This order shall expire at 11:59 p.m., November 30, 1961, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 9, 1961.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F.R. Doc. 61–10988; Filed, Nov. 17, 1961; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 357]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of November 1961, because of the effects of certain disasters, damage resulted to residences and business property located in Los Angeles County in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from a fire and accompanying conditions occurring on or about November 6, 1961.

Office—
Small Business Administration Regional Office, Ohrbach Building, Room 1101, 312 West Fifth Street, Los Angeles 13, Calif.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to May 31, 1962.

Dated: November 8, 1961.

JOHN E. HORNE,
Administrator.

[F.R. Doc. 61–10979; Filed, Nov. 17, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR

Page

PROCLAMATIONS:
- Feb. 25, 1893 — 10735
- 3438 — 10203

EXECUTIVE ORDERS:
- Jan. 26, 1867 — 10729, 10806
- Apr. 30, 1872 — 10729
- Mar. 7, 1900 — 10806
- 5237 — 10729
- 6541 — 10638
- 6681 — 10480
- 9026 — 10356
- 10893 — 10469
- 10900 — 10469
- 10915 — 10469
- 10955 — 10469
- 10971 — 10335
- 10972 — 10469
- 10973 — 10469
- 10974 — 10585
- 10975 — 10629

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Memorandum, May 27, 1961 — 10749
- Memorandum, Oct. 18, 1961 — 10543

5 CFR

- 6 — 10204, 10267, 10447, 10544
- 9 — 10750
- 22 — 10750
- 24 — 10447
- 25 — 10544
- 35 — 10750
- 201 — 10503
- 202 — 10503

6 CFR

- 70 — 10267
- 305 — 10267
- 390 — 10267
- 421 — 10546
- 423 — 10686
- 427 — 10546
- 443 — 10769
- 482 — 10586

7 CFR

- 201 — 10471
- 401 — 10630
- 403 — 10630
- 711 — 10204
- 717 — 10208
- 723 — 10471, 10503
- 727 — 10504
- 729 — 10209
- 730 — 10336
- 775 — 10769, 10787
- 813 — 10547
- 847 — 10214
- 855 — 10268
- 857 — 10505
- 864 — 10270
- 873 — 10272
- 914 — 10423, 10586, 10789
- 922 — 10214
- 927 — 10632
- 933 — 10337, 10423–10425, 10790, 10791
- 942 — 10425
- 943 — 10214
- 953 — 10425, 10586, 10792
- 958 — 10792
- 973 — 10215

7 CFR—Continued

Page

- 984 — 10688
- 989 — 10770
- 994 — 10216
- 997 — 10688
- 1001 — 10587
- 1013 — 10507
- 1014 — 10472
- 1017 — 10426
- 1031 — 10338
- 1034 — 10793
- 1069 — 10587
- 1070 — 10632
- 1071 — 10426
- 1073 — 10689

PROPOSED RULES:
- 301 — 10571
- 719 — 10731
- 728 — 10484, 10596
- 813 — 10691
- 900—1073 — 10286, 10516, 10772
- 903 — 10810
- 906 — 10298
- 908 — 10307, 10485
- 918 — 10307
- 921 — 10810
- 925 — 10486
- 927 — 10597
- 939 — 10296
- 943 — 10236
- 947 — 10360
- 959 — 10809
- 986 — 10298
- 1024 — 10597
- 1026 — 10516, 10772
- 1033 — 10772
- 1034 — 10773
- 1138 — 10691

8 CFR

PROPOSED RULES:
- 252 — 10358
- 253 — 10358

9 CFR

- 74 — 10223
- 83 — 10338

PROPOSED RULES:
- 131 — 10358

10 CFR

- 2 — 10770
- 30 — 10472

PROPOSED RULES:
- 30 — 10487

12 CFR

- 262 — 10340

PROPOSED RULES:
- 563 — 10239

13 CFR

- 105 — 10723
- 121 — 10633, 10634

PROPOSED RULES:
- 107 — 10702

14 CFR

- 18 — 10473
- 60 — 10752
- 507 — 10223, 10224, 10273, 10274, 10340, 10341, 10474, 10634
- 600 — 10225, 10427, 10428, 10475, 10507, 10546, 10547, 10588, 10634, 10635, 10723, 10753

14 CFR—Continued

Page

- 601 — 10225, 10341, 10342, 10428, 10429, 10475, 10507, 10547, 10588, 10589, 10635, 10636, 10723, 10724
- 602 — 10590, 10635, 10724
- 608 — 10342, 10636, 10724
- 609 — 10430, 10436, 10754, 10762
- 610 — 10724

PROPOSED RULES:
- 1—190 — 10698
- 24 — 10571
- 48 — 10701
- 60 — 10307
- 202 — 10774
- 203 — 10774
- 213 — 10774
- 215 — 10774
- 227 — 10238
- 291 — 10774
- 292 — 10774
- 296 — 10774
- 297 — 10774
- 298 — 10774
- 302 — 10307, 10641
- 401–635 — 10698
- 411 — 10776
- 507 — 10362, 10571
- 600 — 10451, 10520, 10602, 10777
- 601 — 10363, 10451, 10488, 10489, 10520, 10602, 10603, 10605, 10733, 10778, 10779
- 602 — 10809
- 608 — 10451, 10520, 10733

16 CFR

- 13 — 10363, 10445, 10476, 10508, 10548, 10637, 10690, 10727, 10771
- 301 — 10446

17 CFR

- 275 — 10548.

PROPOSED RULES:
- 275 — 10607

18 CFR

- 2 — 10342
- 13 — 10794

19 CFR

- 3 — 10508
- 4 — 10508
- 14 — 10476

PROPOSED RULES:
- 3 — 10731

20 CFR

- 25 — 10509
- 404 — 10226

21 CFR

- 17 — 10550
- 120 — 10228, 10550, 10551
- 121 — 10228, 10343, 10476, 10590
- 146 — 10228
- 146a — 10728

PROPOSED RULES:
- 1 — 10601
- 17 — 10362
- 120 — 10487, 10640, 10732, 10810
- 121 — 10362, 10452, 10698, 10732, 10774
- 130 — 10811

22 CFR

- 22 — 10728